

Public Finance, Judiciary, and Personnel Committee via Conference Call. Access meeting by  
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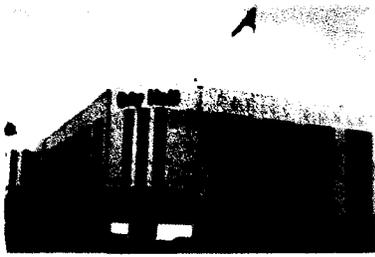
Tuesday, June 9, 2020 4:00 PM

Conference Call: 415-762-9988; Mtg. ID: 236-678-6847

PO Box 1677

Columbus, NE 68602

1. **Statement of Compliance with Open Meetings Act and roll call.**
2. **Update of Employee Personnel Manual.**



The City of **Columbus**

**HUMAN RESOURCES DEPARTMENT**  
Human Resources • Risk Management  
Office (402) 562-4243 • Fax (402) 563-1360

**DATE:** May 28, 2020  
**TO:** Honorable Mayor and City Council  
**FROM:** Tammy Orender, Human Resource Director  
**SUBJECT:** Revised Columbus Personnel Manual

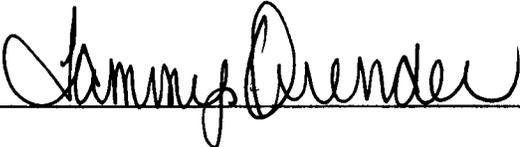
**RECOMMENDATION:** Approve the updated City Personnel Manual

**DISCUSSION:**

The Columbus Personnel Manual was last updated in 2010. A committee which consisted of a supervisor from each department, a representative from the Police and Fire Union, City Administrator and myself met for several weeks and read through the handbook thoroughly for updates that needed to be made. After many meetings and a lot of discussion, the manual was sent to an Attorney that specializes in Human Resource for his review. Attached is a copy with red-lined changes and a clean copy.

I am asking the Mayor and City Council to review and approve the changes to the Personnel Manual.

**SIGNATURE:**

By: 

Approved By: 



## ACKNOWLEDGMENT FORM

I acknowledge receiving a copy of the 2020 City of Columbus Personnel Manual. I understand that I must read it or have it read to me carefully. I understand this Manual supersedes all prior versions. I recognize that I must understand all of its rules, policies, terms, and conditions, and agree to abide by them, realizing that failure to do so may result in disciplinary action and/or termination. I understand that upon termination of my employment for any reason, I must return all City materials, property and equipment issued to me and pay the City any money that I may owe, and agree that upon my failure to promptly do either of these the City can withhold corresponding amounts from my final paycheck and take whatever legal action is necessary to recover such. **I understand and agree that unless I am covered by the Civil Service System (which has its own set of statutes and regulations), my employment is terminable-at-will, so that both the City and I remain free to choose to end our work relationship at any time. Similarly, no City official has the authority to enter into an oral employment contract, and only the Governing Body can enter into a written employment contract on behalf of the City.**

I understand nothing in this Manual in any way creates an express or implied contract of employment between the City and me, but rather is intended to foster a better working atmosphere while the employee/employer's relationship exists.

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**Employee's Signature**

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**Date**

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**Employee's Name (Printed)**

**THIS IS NOT A CONTRACT FOR EMPLOYMENT. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS A PROMISE OF ANY TERM OR CONDITION OF EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, CONTINUING EMPLOYMENT. THE CITY OF COLUMBUS RESERVES THE RIGHT TO MODIFY OR REPEAL ANY PROVISION OF THIS HANDBOOK AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT PRIOR NOTICE.**

## **CHAPTER ONE**

### **PERSONNEL MANAGEMENT SYSTEM**

#### **Sec. 1.10 Purpose.**

The personnel management system of the City of Columbus, of which this manual is a part, is designed to instill a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices. The purpose of this manual is:

1. To inform employees of their rights and obligations in relation to their employer; but not to provide any legal or contractual rights not otherwise provided for, and shall not be construed as a contract of employment.
2. To inform department heads and other supervisors of their obligations toward and their rights to assign and instruct subordinate employees.
3. To ensure compliance with all applicable laws.
4. To promote and increase efficiency and responsiveness to the public, and to promote economy in the City service.
5. To provide fair and equal opportunity for a qualified person to enter and progress in the City service based on merit and fitness as ascertained through fair and practical personnel management methods.
6. To enhance the attractiveness of City careers and encourage employees to give their best efforts to the City and the public.
7. In the event of conflict between this manual and state or federal laws, such state and federal laws shall prevail.

#### **Sec. 1.20 Coverage of the Rules.**

These rules shall apply to all departments, divisions and employees of the City except in cases of conflict with applicable state or federal laws or regulations or with the rules of the City of Columbus Civil Service Commission as statutorily applicable. An employee is defined as any person who has

been appointed/hired to a position of employment on the City payroll, excepting any person serving on a retainer contract basis. Benefits conferred to employees in this manual may be different if the employee is covered by a City-recognized Collective Bargaining Agreement. These changes will be described in the approved Collective Bargaining Agreement.

**Sec. 1.30                    Adoption of the Manual.**

This manual shall become effective when adopted by the Mayor and City Council, whereupon all conflicting rules, regulations, policies, or procedures previously adopted by the Mayor and City Council or by administrative directive shall be superseded, to the extent of the conflict.

**Sec. 1.35                    Amendment of the Manual.**

Written suggestions for amending this manual are welcome at any time from City employees and should be submitted, through supervisory channels, to the City Administrator or the Human Resources Director. Amendments shall become effective upon approval by the Mayor and City Council.

**Sec. 1.40                    Availability of the Manual.**

Each regular employee shall receive and maintain a copy of this manual.

**Sec. 1.50                    Supplemental Personnel Regulations.**

Department heads may establish such supplemental personnel regulations as are necessary for efficient and orderly administration and for ensuring the proper conduct and discipline of their employees.

Supplemental personnel regulations shall be subject to approval by the City Administrator and shall be consistent with these rules, other requirements of the Mayor and City Council, and administrative directives. Copies of supplemental personnel regulation shall be made available to employees in their departments.

**Sec. 1.55                    Employment at Will.**

An employee has freely chosen the opportunity of employment with the City. It is understood the employee has a continuing right to leave or stay as they choose. The City reserves those same rights to maintain or terminate the employment and compensation of employees as needs require. The City also reserves the right, except as to those employees who are protected under the Civil Service System, to terminate the employment and compensation of employees as needs require, and to do so with or without cause.

The City of Columbus, by decision of the Mayor and City Council, agrees to follow the process for dismissals and disciplinary actions as outlined in the Personnel Rules and Civil Service Rules that are applicable to those regular employees who have successfully completed their introductory period. However, these policies in no way shall be construed to create a contractual employment relationship

between the City of Columbus and its employees. Furthermore, the City of Columbus shall have no tenured employment agreements with any employee or organized employee group.

This manual is not a contract of employment, nor shall it be construed as creating any contractual rights or property interest in favor of City employees. Nothing contained in this manual or in any other statement of City philosophy, including oral statements, should be considered a promise of continuing employment.

**Sec. 1.60                      Definitions.**

The following definitions shall apply in these regulations, unless the context clearly indicates otherwise:

**Absence Without Leave.** An absence from duty which was not authorized or approved.

**Appeals.** Procedures as described by these regulations for appealing disciplinary actions, employee-evaluations and other individual grievances.

**Applicant.** An individual who has applied in writing on a City application form for employment with the City of Columbus.

**Appointment.** The offer to and acceptance by a person of a position either on a regular or temporary basis.

**Appointing Authority.** The person or persons who are authorized to offer employment in the City's classified service. For the City Administrator, City Clerk, City Engineer, Finance Director, full-time paid firefighters, Fire Lieutenants, Fire Chief, Assistant Fire Chief, Fire Training and Safety Officer and sworn members of the police force, it shall be the Mayor and City Council. For all department heads, other than the City Clerk, City Engineer, and Finance and Library Director, it shall be the City Administrator, Mayor, and City Council. For the Library Director, it shall be the Library Board. For all other employees it shall be the City Administrator.

**Chain of Command.** The chain of command is the formal line of authority, communication, and responsibility within an organization. The chain of command is usually depicted on an organizational chart, which identifies the superior and subordinate relationships in the organizational structure. According to classical organization theory the organizational chart allows one to visualize the lines of authority and communication within an organizational structure and ensures clear assignment of duties and responsibilities. By utilizing the chain of command, and its visible authority relationships, the principle of unity of command is maintained. Unity of command means that each subordinate should report to one and only one superior. Unity of command is crucial to productive work schedules, the maintenance of a prioritized work schedule, and productive communications. It would therefore be expected that communications and requests for service flow both ways through chain of command.

**Civil Service Employee.** Civil Service employees employed by the City of Columbus shall be designated by the definition in Revised Statutes of Nebraska, Sec. 19-1829.

**Compensatory Leave.** Time off from work in-lieu of monetary payment of overtime worked.

**Demotion.** Assignment of an employee from one title to another which is a lower rate of pay and/or rank.

**Department Head.** A person trained to manage a specific area of City government such as Police, Library, etc. Department heads are responsible for the general operation of the department and ensuring adequate performance levels from employees. Department heads shall have full responsibility to recommend any personnel actions in accordance with the authority delegated to them by the Appointing Authority. All actions by department heads within their department are accountable to the City Administrator.

**Disciplinary Action.** Action taken by a supervisor, department head, or the City Administrator whenever an employee's performance, attitude, work habits or personal conduct fall below a desirable level.

**Dismissal.** A type of disciplinary action which separates an employee from the City payroll.

**Employee.** An individual who is legally employed by the City in one of the categories listed below and is compensated through the City payroll. An employee may be defined as follows:

- a) Regular, full-time. This person is expected to work an average of 30 hours per week for the 6 months during their introductory period before obtaining the regular status in their assigned classification, except in the case of firefighters and fire lieutenants whose work period shall be an average of 106 hours in a 14 consecutive day period.
- b) Regular, part-time. This person may be employed on a regular schedule of less than 30 hours per week and will normally work at least 1,000 hours throughout a year.
- c) Temporary and Seasonal. This person may be employed for any number of hours per week in positions declared to be seasonal or temporary in nature and will not normally work more than 1,500 hours per year. This person may be assigned to a classification temporarily vacated by a regular employee while on military duty or other authorized absence.

d) The Temporary employee shall not include:

Elected officials and persons appointed to fill vacancies in elective offices, members of appointive boards, commissions or committees, the city attorney, consultants, advisors, and counsel rendering temporary professional service, independent contractors, emergency employees who are hired to meet the immediate requirements of an emergency condition and volunteer personnel, and also all other personnel appointed to serve without compensation.

**Employee Counseling.** The act of assisting employees to become more effective on the job. Relates to employee evaluation and employee improvement.

**Employee Development.** The interaction of employee counseling, employee evaluation and employee improvement.

**Employee Evaluation.** The system of evaluating employees' performance. Relates to employee improvement and employee counseling.

**Employee Improvement.** All types of training and educational programs that improve the quality of service of the employee and improve his/her chances for advancement. Relates to employee evaluation and employee counseling.

**Examination.** The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

**Grievance.** An employee's feeling of differences, disagreements or disputes arising between an employee and their supervisor relative to some aspect of their employment, application, or interpretation of regulations and policies or some management decision affecting the employee.

**Hire Date.** The date upon which employment started with the City of Columbus for a specific employee. This date will be adjusted to exclude leave of absence without pay. This is the date upon which vacation accruals are based.

**Immediate Family.** Spouse, children, brothers and their spouse, sisters and their spouse, mother, father, grandparents or grandchildren. Spouse's children, parents, grandparents, brothers and their spouse, sisters and their spouse or grandchildren

**Introductory Period.** See policy 2.95 for definition.

**Job Description.** A written description of a job consisting of a title, a general statement of the level of work and of the distinguishing features of work, examples of duties and qualifications for the Job Title.

**Job Title.** A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and pay range.

**Lay-off.** The involuntary non-disciplinary separation of an employee from a position because of shortage of work, materials, or funds.

**Leave.** An approved type of absence from work as provided for in this manual.

**Merit/Periodic Pay Increases.** A merit increase is compensation within the confines of the pay scale established in the Pay Plan. It may be granted to an employee for meritorious service

and completion of minimum prescribed periods of employment in the class.

**Merit Proficiency Date.** This date is generally when the employee completes their first 12 months of employment. It is the date used to mark annual performance evaluations. Each year the employee should have their evaluation during the two-week pay period which contains this date, when possible. The merit proficiency date will change with any change in pay grade or unpaid leave of absence.

**Military Leave, Reserve.** A leave of absence for military service performed during their employment as required by applicable state or federal law. An eligible employee's rights to reemployment after military leave will also be governed by applicable law.

**Overtime.** Authorized time worked by an employee for overtime work performed in accordance with Federal and State Regulations and this manual.

**Promotion.** Assignment of an employee from one Job Title to another which has a higher rate of pay and rank.

**Reclassification.** The action of changing a position by classifying it upward, downward or to a different classification on the basis of sufficient changes in the kind, development or responsibilities of work assigned to the position.

**Reprimand.** A form of guidance which may be oral or written, and which should be used not only to warn an employee, but also to guide, direct and instruct the employee in how to correct and avoid repeating a mistake, infraction, deficiency or problem.

**Seniority.** Length of continuous service with the City as a regular employee.

**Sick Leave.** An absence approved by the department head or supervisor due to illness or injury.

**Supervisor.** An individual who has the authority to undertake or recommend tangible employment decisions affecting a particular employee; or an individual who has the authority to direct a particular employee's daily work activities.

**Suspension.** An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee; may be with or without pay.

**Transfer.** Assignment of an employee from one position to another position of a different Job Title or Work Location.

**Work Day or Work Period.** Scheduled number of hours an employee is required to work per day or per scheduled number of days as department policy.

**Sec. 1.70                    Role of Mayor and City Council.**

The Mayor and City Council shall be the ultimate policy-making authority for all matters pertaining to personnel management in the City government and shall determine the numbers and kinds of positions of employment.

**Sec. 1.80                    Role of the City Administrator.**

The City Administrator shall be responsible for the proper administration of the personnel management system by:

1.     Ensuring appointments are based on merit and fitness.
2.     Recommending a sound Pay Plan and position plan.
3.     Equitably administering the Pay Plan.
4.     Ensuring the City is an Equal Opportunity Employer.
5.     Maintaining employee discipline.
6.     Ensuring high employee productivity.
7.     Maximizing employee development opportunities.
8.     Ensuring fair and effective appeal and grievance procedures.
9.     Fostering good employee relations.
10.    Issuing such administrative directives as are necessary to implement these rules.

**Sec. 1.90                    Functions of the Human Resources Department.**

The Human Resources Department performs the following functions:

1.     Recruits candidates for employment.
2.     Receives and initially processes employment applications.
3.     Refers applicants to department in accordance with established procedures.
4.     Processes appointments, separations, and other actions.
5.     Develops general personnel forms.

6. Advises and assists the City Administrator and the department heads as to general personnel policies, and in individual cases ensures all laws and administrative regulations are complied with and that good personnel practices are observed.
7. Represents the City Administrator, as directed, in relationships involving personnel matters with private and governmental agencies.
8. Revises and keeps this manual up-to-date.
9. Maintains the Pay Plan and Job Descriptions.
10. Keeps the central personnel records, including records of accidents and injuries.
11. Performs other related functions as directed by the City Administrator.

**Sec. 1.92                    Human Resources Director.**

The normal procedures for discussing concerns, or problems, will be resolved using the chain of command as provided in the Personnel Rules.

However, in instances where the concern is confidential in nature or the employees' interest might be compromised if a rigid chain of command is followed, the employee shall have the right to bring the concern directly to the Human Resources Director.

When questions or problems arise regarding issues in the workplace, employees are encouraged to first discuss the matter with their supervisor. If they are not satisfied at this point or are uncomfortable visiting with their supervisor regarding the matter, the employee should contact their department head. If this does not resolve the matter or would prove uncomfortable, employees may always contact the Human Resources Director directly.

**Sec. 1.93                    Responsibility for Job References.**

The Human Resources Director shall be responsible for providing job references for all past and present employees. All employees shall refer all job related inquiries regarding references for former and current employees to the Human Resources Director.

**Sec. 1.94                    Role of Department Heads.**

Department heads shall have full responsibility for managing their assigned personnel and for taking or recommending any personnel actions in accordance with the authority delegated to them by the City Administrator and the applicable provisions of these rules.

**Sec. 1.95                      Personnel Records.**

The Human Resources Director shall maintain a file for each person currently employed by the City. An employee may contact the Human Resources Director to review their own personnel file. The documents in the file shall be reviewed in the Human Resources Director's office. The file or documents in the file shall not be permitted to leave that designated office. Employees do not have the right to add or delete material from their personnel files. Copies of particular documents shall be made at the request of the employee.

**Sec. 1.96                      Code of Employer-Employee Relations.**

It is the policy of the City of Columbus to implement fair and effective personnel policies and to require all employees to serve the organization's best interests as listed below:

1.        The City retains the sole right to exercise all managerial functions including, but not limited to, the right of the City to manage and supervise all operations and establish work rules, regulations, and other terms and conditions of employment; direction, assignment of work to, and arrangement of working forces, including the right to hire, promote or not promote, suspend, terminate for cause, make interdepartmental transfers, relieve employees from duty because of lack of work or other legitimate reasons; the determination of services to be provided; the determination of employee's work abilities; the location of the work sites including the establishment of new work sites and the relocation and closing of old work sites; the determination of financial policies including accounting procedures and budget control; the determination of the management organization of the department and the selection of employees for promotion, transfer, or reorganization; maintenance of discipline and control and use of City property; the subcontracting of unit work; the establishment of quality standards and judgment of workmanship required; the scheduling of operations and the time to be worked; and the right to enforce rules and regulations now in effect and which it may issue from time to time. The above detailed listing of management rights shall in no way be deemed to exclude other management prerogatives which may not have been specifically listed.
  
2.        The City's objectives for employees include the following:
  - a)        To provide equal employment opportunity and treatment regardless of race, color, religion, sex, age, national origin, disability, marital status, AIDS/HIV status, genetic information or any other class protected by applicable law.
  
  - b)        To provide compensation and benefits commensurate with the work performed.
  
  - c)        To establish reasonable hours of work based on the City's service obligations.
  
  - d)        To monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety.

- e) To offer employees training opportunities whereby the employee and City would mutually benefit.
  - f) To be receptive to constructive suggestions which relate to the job, working conditions, or personnel policies.
  - g) To establish appropriate means for employees to discuss matters of interest or concern with their immediate supervisor, department head, Human Resource Director or City Administrator.
3. The City expects all employees:
- a) To deal with citizens, suppliers, and contracting organizations in a professional manner.
  - b) To perform assigned tasks in an efficient manner.
  - c) To be punctual.
  - d) To demonstrate a considerate, friendly, and constructive attitude toward the public and fellow employees.
  - e) To adhere to the policies adopted by the City.
4. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that the City has implemented or will implement in the future. (See Employment-At-Will, Sec. 1.55.) Accordingly, the City retains the rights to establish, change, and abolish its policies, practices, rules, and regulations at will, and as it sees fit at any time, with or without notice.

**Sec. 1.97 Employee Educational Refund Plan.**

The City of Columbus recognizes the mutual advantages to be gained when employees enroll in continuing education courses. In order to encourage this program, the City has implemented an Employee Education Refund Plan whereby the City will reimburse the employee 80% of the tuition, books and fees, subject to the following conditions:

- 1. Availability of budgeted department funds.
- 2. Only regular fulltime employees are eligible and must have completed one continuous calendar year of employment.

3. The courses or degree work selected by the employee must be technical or professional, and related to work available in City service. Enrollment must be made with a recognized and established college, university, technical school, correspondence school, or equivalent.
4. Prior to enrolling in a class, the request must be approved by the immediate supervisor, department head, and the City Administrator.
5. Continuing education courses are voluntary and must occur while off-duty and without compensation since such training does not constitute "hours worked".
6. The course must be satisfactorily completed and receipts for tuition, books, and entrance fees and transcript must be submitted as a basis on which to compute the refund.
7. Where the employee is already receiving tuition or scholarship assistance such as VA benefits, etc., the City will make the reimbursement for education costs to the extent that the total payments received by the employee from all sources does not exceed 100% of the total course cost.
8. An employee benefit of \$500 as incurred each calendar year and a \$2,000 maximum benefit is allowed under this policy.

In order for training and education to be eligible for this Employee Education Refund Plan, it must meet all 4 of these factors:

1. Attendance is outside of the employee's regular work hours;
2. Attendance is voluntary;
3. The course, lecture or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work for the employer during such attendance.

## CHAPTER TWO

### METHOD OF FILLING VACANCIES

#### **Sec. 2.05            Vacancy Identification.**

Department heads shall notify the Human Resources Director as soon as they become aware of actual or impending vacancies in their organizations. No vacancy may be filled without the authorization of the City Administrator, who may specify the selection process or processes to be used.

#### **Sec. 2.10            Promotion Policy.**

A promotion is the assignment of an employee from a position in one Job Title to a position in another Job Title having a higher maximum salary. The City shall provide promotional opportunities whenever feasible. City employees may also apply and be considered for any position in the same manner as members of the general public.

#### **Sec. 2.12            Competitive Selection.**

When a competitive selection process is to be used, the City Administrator, according to the best interest of the City, may designate the selection process for applicants from any of three processes. First, the selection process may be limited to persons in the City service or a segment thereof. Secondly, the selection process may be opened to the general public without special preferences or consideration for any City employees who apply. And finally, the selection process may include both City employees and members of the general public, with City employees given preference in application and/or consideration.

#### **Sec. 2.15            Noncompetitive Selection.**

When in the best interest of the City, a noncompetitive selection process may be specified by the City Administrator. Vacancies may be noncompetitively filled with qualified persons by the following means:

1. Reinstatement of a former City employee, as described elsewhere in these rules.
2. Demotion for cause, as described elsewhere in these rules.
3. Voluntary demotion.
4. Repromotion of an employee previously demoted in lieu of layoff.
5. Lateral transfer.
6. Special employment program.

**Sec. 2.17                    Voluntary Demotion.**

Demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. Employees may be demoted at their own request if in the best interest of the City.

**Sec. 2.20                    Demotion in Lieu of Layoff.**

An employee may be demoted as an alternative to layoff. Such demotion may be fully or partially rescinded at any time through noncompetitive re-promotion.

**Sec. 2.25                    Lateral Transfer.**

Lateral transfer is any assignment from one position to another not involving a promotion or demotion. A lateral transfer may be effected at an employee's request or for reasons of administrative necessity. It is highly desirable when a vacancy occurs in a department for which an employee of another department is qualified, that the employee be given an opportunity to apply for the vacancy. In appropriate circumstances, the Human Resources Director shall ensure that notices are posted in City departments and divisions soliciting applications for lateral transfer.

**Sec. 2.27                    Special Employment Programs.**

From time to time, the City Administrator, in furtherance of legitimate public policy objectives may specify vacancies be filled with persons eligible for inclusion in particular special employment programs without regard to the provisions of this chapter concerning selection processes. Special employment programs include, but are not limited to internships, youth employment programs, work-study programs, intergovernmental mobility assignments, vocational rehabilitation programs and seasonal employees.

**Sec. 2.30                    Temporary Positions.**

The City Administrator may authorize any fair and practical means of filling temporary or seasonal positions without regard to other provisions of this chapter concerning selection processes.

**Sec. 2.35                    Vacancy Announcements.**

The Human Resources Director shall announce all vacancies for which a competitive selection process has been specified.

**Sec. 2.37                    Purpose and Design of Application Forms.**

The Human Resources Director shall develop one or more general application forms for use in applying for City employment. The Human Resources Director or department heads may also develop specialized or supplemental application forms for use in appropriate circumstances. Any forms developed by department heads shall be reviewed by the Human Resource Director for technical adequacy, utility, and equal employment opportunity compliance. Application forms shall

be used in making fair determinations of qualifications for employment. Information concerning non-merit factors shall only be requested as necessary to satisfy equal employment opportunity and other legal requirements. Information required only at the time of selection or appointment shall not be solicited at the time of initial application.

**Sec. 2.40 Filing of Application.**

Applications shall be filed with the Human Resources Director as specified in the applicable vacancy announcements. The City Administrator may authorize the acceptance of late applications, if in the best interest of the City. The Human Resources Director shall provide all reasonable assistance to persons requesting help in completing their applications. All information submitted shall be subject to verification. The City may cease accepting or processing applications at any time in accordance with operational requirements.

**Sec. 2.45 Initial Processing of Application.**

The Human Resources Director shall be responsible for the initial processing of employment applications as directed by the City Administrator. Should information be collected solely for equal employment opportunity purposes it shall be detached from the main body of each application upon receipt. The information shall be separately and securely filed by the Human Resources Director and shall not be used in the selection process.

**Sec. 2.47 Evaluation of Qualifications.**

It is the policy of the City to select, develop and promote employees based upon their individual qualifications, abilities and performance. Applicants for employment with the City will be requested to supply personal and employment references. In addition, the city reserves the right to obtain background information on applicants either before or after actual employment. Such information may include, but is not limited to, an individual's character, general reputation, mode of living, and criminal and other public record. To protect against the use of inaccurate information, the city will comply with applicable federal law in obtaining such information.

**Sec. 2.50 Disqualification.**

An applicant may be disqualified from further consideration at any stage of the selection process for, among other things:

1. Applicant cannot provide adequate documentation demonstrating their eligibility to work in the United States as required by federal law.
2. Applicant will not have attained their 16<sup>th</sup> birthday at the time of employment, except that a lower or higher minimum age may be established for certain temporary positions as required or permitted by state and federal law.

3. Applicant is not qualified to perform the essential functions of the position, with or without reasonable accommodation, or if such accommodation would impose an undue hardship on the City.
4. Applicant is currently engaging in the use of illegal drugs.
5. Applicant is not of good moral character to the extent that his or her job performance would be impaired or that discredit or risk would be brought upon the City by offering employment.
6. Applicant has made a false statement of material fact or has committed or attempted to commit a fraudulent, illegal, or unethical act.

**Sec. 2.55 Interviews.**

Selection officials shall interview applicants in competitive selection processes who on the record appear to be the best qualified for the position involved. For designated positions, a written summary of interview questions and answers shall be prepared and forwarded to the Human Resources Director for retention. Interviews shall be conducted in a consistent job-related and nondiscriminatory manner.

**Sec. 2.57 Documentation and Notification.**

The Human Resources Director shall devise necessary forms and procedures pertaining to the selection process. Disqualification and selection decisions shall be thoroughly documented by the responsible officials. The Human Resources Director shall be responsible for conducting reference checks of successful applicants. The Human Resources Director shall also respond to any written requests from applicants concerning the reasons for their disqualification or non-selection.

**Sec. 2.60 Employment of Relatives.**

Two or more members of the same immediate family shall not be allowed to supervise each other or to do work under the same immediate supervisor except in emergencies. They may be employed in different units of the same department or in different departments. Should two present employees become immediate family through marriage, both employees may retain employment, however, City Administration retains the right and responsibility to transfer either one of the related employees for the purpose of maintaining the best interest of the City of Columbus. Summer only employees may be exempt from this policy if the department head specifically approves the hiring. The hiring of an immediate family member of a supervisor or department head must be approved by the City Administrator.

**Sec. 2.65 Types of Appointment.**

Appointments of employees to positions under these rules shall be of the following types:

1. Training appointments.

2. Regular appointments. Upon the satisfactory completion of the introductory period, employees are granted regular appointments.
3. Temporary appointments to replace regular employees. Employees may be given temporary appointments, which are limited to no more than one (1) year. Employees who are hired to temporarily fill a position vacated by a regular employee who is on authorized leave, shall, after 90 calendar days of employment, be entitled to sick and holiday leave on the same basis as a regular employee. In addition, should such employee receive an offer of employment to a regular position with the City, while still serving as a temporary employee, they will receive vacation and sick leave credit from the date of their appointment as a temporary employee.

Positions may be full or part-time, and may be occupied by employees under any of the three types of appointments.

**Sec. 2.66 Nondiscrimination Against and Accommodation of Individuals with Disabilities.**

The City complies with applicable federal, state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. The City also provides reasonable accommodation for such individuals in accordance with these laws.

It is the City's policy to:

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
2. Administer medical examinations: (a) to applicants only after conditional offers of employment have been extended; and (b) to employees for business necessity.
3. Keep all medical-related information as confidential as possible and retain such information in separate confidential files.
4. Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would impose an undue hardship on the City.

Qualified individuals with disabilities should make requests for reasonable accommodation to the City's Human Resources Director. On receipt of an accommodation request, the Human Resources Director will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations. The Human Resources Director and City Administrator, in conjunction with those City officials and employees having a need to know, will determine the feasibility of the requested accommodation.

**Sec. 2.67 Equal Employment Opportunity.**

It is the policy of the City to provide equal employment opportunity to all employees and applicants for employment. No person is to be discriminated against in employment because of race, color,

religion, sex, age, national origin, disability, marital status, AIDS/HIV status, genetic information or any other class protected by applicable law.

1. This policy is applicable to all terms, conditions, and privileges of employment including, but not limited to hiring, introductory period, training, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, employee facilities, termination, and retirement.
2. The Human Resources Director, who reports directly to the City Administrator on matters relating to this policy, is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. The Human Resources Director duties may include, but are not necessarily limited to:
  - a) Assisting management in collecting and analyzing employment data.
  - b) Developing policy statements, and recruitment techniques designed to comply with the equal employment policies of the City.
  - c) Complying with various statutory record keeping and notice requirements in order to ensure full compliance with all employment-related statutes and regulations.
  - d) Assisting supervisory personnel in arriving at solutions to specific personnel problems.
  - e) Serving as liaison between the City and government agencies, minority organizations, and other community groups.
  - f) Keeping City management informed of the latest developments in the entire equal employment opportunity area.
3. Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter is to be immediately referred to the Human Resources Director.
4. Employees who feel they are being discriminated against should bring the matter to the attention of their supervisor. If this proves unsatisfactory or the employee is uncomfortable visiting with their supervisor regarding the matter, the employee should contact their department head. If this does not resolve the matter or this would prove uncomfortable, the employee may always contact the Human Resources Director directly or City Administrator.

**Sec. 2.80                    Minimum Age.**

No applicant for employment shall be considered who is less than 16-years of age, and 16 and 17 year-olds shall not be considered eligible for any Job Title that requires the operation of a motor vehicle on public roadways.

**Sec. 2.90                    Processing and Orientation.**

New and reinstated employees shall report to the Human Resources Director as directed for completion of personnel and payroll forms and for a general orientation to the City government, the Personnel Management System, and the City policy of Equal Employment Opportunity. Department heads or their designee shall provide further orientation on such matters as the introductory period, employee rights and responsibilities, assigned duties, level of performance expected, organizational structure and interrelationships, hours of work, safety, and availability of these rules and any applicable supplemental personnel regulations. Each regular employee will be issued a city personnel manual. Those departments who hire temporary and seasonal employees shall have a spare personnel manual available to these workers and shall make time for a review of the manual as a part of department orientation for their temporary and seasonal employees. After this review the employee shall sign an acknowledgement form to be filed in their employee file. Employees should be made to feel welcome and should be especially encouraged to ask questions during their first days of employment.

**Sec. 2.95                    Introductory Period.**

Every employee, except Police Officers & Fire Fighters, including part-time, seasonal, and temporary employees, shall have an introductory period of the first 6 months of work. Police Officers' and Fire Fighters shall have an introductory period of one year. Police Officers one year introductory period begins after the employee has received certification by the Nebraska Law Enforcement Training Center.

The purpose of the introductory period is to permit the supervisors and department heads to closely observe and evaluate the capabilities and willingness of the new employee. During this time, supervisors shall encourage and assist the new employee in making a successful adjustment to the job. Only those employees who meet an acceptable standard of work during the introductory period will be retained. An employee may be dismissed at any time during the introductory period if, in the judgment of the immediate supervisor and department head, the quality of work or the employee's manner or approach to the work do not warrant continuation of employment. The successful completion of the introductory period should not be considered a guarantee of employment of any specific duration.

The department head may extend the introductory period for a period of three months except in the case of Police Officers and Fire Fighters.

Employees promoted within the City service shall be in introductory training for their first six months. During that time the department head may cancel the promotion and assign the employee to the former or a similar position. As with all regular employees who successfully complete their introductory period, promoted employees shall not automatically receive a pay increase because of the satisfactory completion of their introductory period.

## CHAPTER THREE

### SALARY ADMINISTRATION

#### **Sec. 3.10 Pay Plan.**

It is the policy of the City to have a formal Pay Plan that is reviewed at least annually. Each job in the City, whether occupied, vacant, temporary, full-time or part-time shall have a job description outlining duties, responsibilities, and minimum job qualifications.

#### **Sec. 3.20 Pay Grades.**

Each position or job is evaluated and assigned a pay grade based on internal equity and competitive pay rates, keeping in mind the City's overall financial position.

#### **Sec. 3.30 Salary Survey.**

It shall be the policy of the City insofar as economically possible to remain continually competitive in compensation compared to similar sized cities in the state.

To that end, it shall be the responsibility of the City Administrator to annually review the Pay Plan, taking into account changes in economic conditions, as well as salary trends in similar sized communities and in the local wage market. On the basis of such review, the Administrator shall make recommendations as appropriate to the City Council for changes in the Pay Plan. The City Administrator is authorized to grant pay changes to avoid inequities.

#### **Sec. 3.40 Starting Pay.**

New employees shall normally start work at the minimum of the pay grades to which their positions are allocated if they possess the minimum qualifications for that position.

A candidate for employment having exceptionally good qualifications for the position may be employed initially at a rate higher than the minimum rate; provided the department head and City Administrator approve.

#### **Sec. 3.50 Promotion.**

When an employee is promoted from a position in a lower pay grade to a position in a higher pay grade, the pay of the employee shall be increased as follows:

1. To the first step of the higher grade.
2. If their present pay exceeds the first step of the new grade, to a step of the new grade which is higher than their present salary.

The applicable alternative shall be that which gives the employee an increase in pay.

If the employee is promoted to a higher grade, the employee shall be eligible for a periodic merit pay increase annually on the anniversary date of the promotion.

**Sec. 3.60                    Reclassification to Lower Pay Grade.**

If an employee is demoted, either voluntarily or involuntarily, the employee's rate of pay shall be determined as follows:

1.     If the rate of pay in the higher grade position is more than the maximum rate of pay for the position to which demoted, the rate of pay shall be reduced to the maximum rate of pay of the lower position.
2.     If the rate of pay in the higher grade position falls within the range of the pay grade for the position to which demoted, the rate of pay shall be placed on the next closest step down in the lower pay grade.
3.     The City Administrator may vary the strict application of (1.) and (2.) in any case when such strict application would result in practical difficulties or unnecessary hardship.

**Sec. 3.70                    Periodic Pay Increases.**

Employees shall become eligible for pay increases in the Pay Plan on the annual anniversary dates of their employment or annually on the date of most recent promotion. The supervisor is to evaluate the employee's performance and rate the employee and make a recommendation. No pay increases (including pay step increases and adjustments to the pay steps themselves) will be implemented unless there is a current satisfactory appraisal on file.

If the employee is not at the top of their pay grade, the supervisor may initiate a periodic pay increase at the anniversary date on which the employee becomes eligible or it may be recommended later. The recommendation shall be transmitted through the department head to the Human Resources Director. The department head and/or City Administrator may reject or modify the supervisor's recommendation.

It is the duty of the department heads and supervisors to identify outstanding workers and to recommend to the City Administrator that they be granted special pay increases. Such increases may be used to reward an employee for acquiring a special job certification.

Department heads shall avoid circumstances whereby a special pay increase is recommended to prevent a valuable employee from seeking employment elsewhere. Merit and ability should be recognized voluntarily by the supervisor, not under threat of resignation.

**Sec. 3.80                      Benefits.**

The cash pay of employees by no means constitutes their total pay since employees receive a number of benefits in-kind which have substantial value. Depending on an employee’s status, these benefits could include the following items described here in summary:

<b>Benefit Title</b>	<b>Description</b>	<b>Who Qualifies</b>	<b>Who Pays for It</b>
Call-Back Pay	A minimum payment of 2 hours of overtime pay when called back to work during an emergency	All regular employees	City
Coffee Breaks	Employee working an eight-hour shift normally receives two 15 minute coffee breaks. As a full-time employee, break periods in a week add up to the equivalent of 2 ½ hours of paid break time.	All employees	City
Compassionate Leave	Up to 24 working hours of paid leave for a death or serious injury of an immediate family member or similar personal problem upon approval of department head.	All regular employees	City
Compensatory Leave	Employee may bank time off at a rate of 1 ½ times the number of hours worked in lieu of overtime pay.	All regular employees	City
Deferred Compensation	Employees can deduct pretax dollars from their gross pay into an approved deferred compensation program.	All regular employees	Employee
Dental Coverage	Pays usual & customary charges.	All regular employees. working 30 hours or more a week.	City and/or Employee
Vision Coverage	Employee Pays flat rates for different coverages (exam, Glasses, contacts etc...)	All regular employees working 30 hours or more a week.	Employee
Flexible Spending	Employees may use pretax dollars to fund expenses such as childcare, and unreimbursed medical expenses	All regular employees working 30 hours or more a week.	
Health Coverage	A comprehensive major medical program	All regular employees working 30 hours or more a week.	City and Employee
Holiday Pay	The City recognizes 10 holidays. Most eligible employees receive holidays off with pay. Regular employees working on a holiday receive regular pay plus overtime pay for all hours worked during the holiday.	All regular employees	City
Job Posting	Opportunity to be considered for posted positions.	All employees	City

Life Insurance	City pays for group term life insurance for regular 30 hour employees. Optional supplemental life is also available through payroll deduction.	All regular employees working 30 hours or more a week	City
Long Term Disability Coverage	An income protections plan that pays covered employees 60% of their gross pay after having been disabled 180 days for a qualifying condition.	All regular employees working 30 hours or more a week.	City
Pension	Matching contribution program to provide an employee with pension benefits at retirement Current match city 6% and employee 6%. Police officers and firefighters contribute to their pension plans as mandated by Nebraska law.	Regular employees meeting hours and age requirements	City and Employee
Sick Leave	Employees accumulate one sick day per month that can be used when ill, up to a maximum of six month's worth of work hours.	All regular employees working 20 hours or more a week.	City
Vacation	Full-time regular employee receives 10 days after 1 year; 15 days after 6 years; and 20 days after 15 years. Part-time regular employees' vacation time is prorated based on hours worked	All regular employees working 20 hours or more a week	City
YMCA	Discounted membership rate available with payroll deduction.	All regular employees working 20 hours or more a week.	Employee

**Sec. 3.85 Pay Periods.**

The pay period shall be a period of two weeks, beginning with the 12:01 a.m. Sunday shift and ending with the last p.m. shift on Saturday.

Pay will be issued biweekly on Friday following the end of a pay period. If a bank holiday falls on a Friday payday, an attempt will be made to issue pay one day early. If a City holiday and not a bank holiday, falls on a Friday payday, pay will be issued Friday.

Terminating employees will receive their final pay on the next regular payday when the pay would normally be due. Terminating employees should make arrangements with their supervisor concerning their final pay.

**Sec. 3.90 Bi-Weekly Payroll Processing.**

Employee status changes and salary adjustments are to be forwarded to the Human Resources Director for review and City Administrator's approval on the Wednesday before pay week.

Employees should have their signed timesheets completed and forwarded to their supervisor on or before their last day of work in each time period. Timesheets should be delivered to the Finance Department by 9 a.m. each Monday of each pay week.

The City may make payments for wages and reimbursable expenses by electronic funds transfer or similar means of direct deposit.

The City Clerk's Office will distribute pay stubs to department heads or their designees after 8 a.m. on each payday.

**Sec. 3.96 Employee Recognition.**

Department heads and supervisors have a duty to identify and recognize outstanding performance by employees. The Municipal Recognition Program is the procedure for the granting of awards. A copy of the Municipal Recognition Program is available from the Human Resources Department.

**Sec. 3.97 Payroll Deductions and Reductions.**

Generally a difference exists between "gross earnings" and your "take-home pay" otherwise known as your "net earnings". Two reasons account for that difference: deductions required by federal and state government, and voluntary deductions authorized by the employee. All such deductions are shown on your pay stub.

1. Automatic Deductions:

- a) Federal and State withholding tax:  
Amounts withheld for taxes are based on your earnings, marital status and the number of exemptions claimed. Nebraska employees will complete a W-4 form known as the Employee's Withholding Exemption Certificate for both federal and state taxes. Federal and State tax deductions are done in accordance with law and the money deducted from your pay is remitted to the government as required.
- b) Social Security & Medicare (FICA – Federal Insurance Contribution Act):  
Each employee of the City, as required by law is to participate in this program. It is designed to provide retirement, disability, medical, and death benefits. Deductions are made at a rate established by law.

2. Other Required Deductions:

- a) In some cases, additional required deductions may include court ordered wage garnishments, wage assignments, third party levies, and income-withholding orders (child or spousal support) levied against an employee's pay. Under the federal Child Support Enforcement Act of 1984, income-withholding orders for child support take priority over all other wage withholding orders.
- b) While it is not the intent of the City to become involved in the personal affairs of its employees, we are required to follow court ordered deductions from pay. The employee will be notified by the Finance Department upon receipt of the court order. The Finance Department is responsible for computing the dollar amount legally allowed to be withheld from the employee's check. Employees may need to complete a form indicating dependents.

3. “Dock in Pay” Deductions:

- a) A dock in pay will occur when a request for leave time exceeds the leave balances available. Currently, when sick pay is requested, and no sick leave balance exists, the City will reduce vacation or compensatory time, if available. If vacation or compensatory pay is requested, and no leave is available, then a dock in pay may occur. As well, if sick pay is requested, and no other leave is available, a dock in pay may also occur.
- b) Non-Exempt Employees: Non-exempt employees are defined by the hours they work. Therefore, when all leave balances are exhausted the system will automatically create a dock in pay for the pay period in which the request exceeds the leave balance.
- c) Exempt Employees: Since exempt employees are not paid based on hours worked, there are certain rules pertaining to an institution’s ability to dock pay for use of leave above and beyond the balance available. For example, the City may make deductions when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability. Also, the City may make deductions from pay for absences of one or more full days occasioned by sickness or disability if the exempt employee has exhausted his or her leave allowance under other City leave plans, such as vacation and sick leave.
- d) The City prohibits improper pay deductions for exempt status employees leaves. To insure that exempt employees are not put in exempt status jeopardy because of an improper deduction for leave, an employee should notify the Human Resources Department if they believe an improper deduction for absence has been made. If the deduction is found to be improper, the City will reimburse the employee’s paycheck for the amount deducted.

4. Voluntary Deductions or Reductions:

These deductions must be authorized by the employee, by completing and signing the appropriate form and bringing it into the Finance Department. These deductions remain in effect until the employee notifies the Human Resources Department or the Finance Department in writing of the change, or the Human Resources Department notifies the employee that a new enrollment is necessary.

Deductions may include a variety of approved contributions or payments.

Reductions include pension and deferred compensation contributions, flexible spending contributions, and health and dental premiums.

5. Deductions from Final Paycheck:

Upon termination of employment for any reason all employees are required to return City materials, property and equipment issued to the employee and to pay the City any money the employee may owe the City. Otherwise, the City may withhold corresponding amounts from the employee's final paycheck as authorized in the Acknowledgement Form to this handbook.

## CHAPTER FOUR

### HOURS OF WORK AND OVERTIME

#### **Sec. 4.10 Hours of Work.**

Department heads shall establish working schedules to meet their special need, provided that no schedule with eight hour shifts shall under normal circumstances call for more than 40 hours a week.

#### **Sec. 4.15 Travel Time.**

The following guidelines shall be used in determining if travel time is to be considered as work time:

1. Home-to-work travel is not counted as hours worked.
2. Travel to and from work in emergency situations is counted as hours worked.
3. Time spent traveling to and from other cities on required assignment is counted as hours worked. Travel and work that extends over a 24 hour period, such as a multi-day educational seminar held outside of Columbus, requires a Travel Request form to be given to the department head for written approval.
4. Travel that is all-in-a-day's work is counted as work time.

#### **Sec. 4.20 Overtime.**

If requested to work overtime, an employee will be expected to do so unless the employee is excused for good cause.

Except for "exempt" employees, who do not qualify for overtime, overtime hours are based on hours worked in excess of 40 hours in a normal work week. For the purpose of determining overtime, only the following hours are counted towards hours worked: vacation, holiday, procedural and administrative leave, and compensatory time used except for Firefighters and Fire Lieutenants. All other hours are not considered hours works for the purpose of calculating overtime. For Firefighters and Lieutenants the overtime rate is applied to all hours worked over 106 hours in a 14 day work cycle. For Police Officers and Sergeants working 12 hour shifts, overtime is computed on a 14 day work cycle.

Overtime pay at the rate of one and one-half times the regular hourly rate of pay shall be paid as follows regardless of whether 40 worked hours accrued in the pay period:

1. For all time worked as a result of being called back to work on a regular work day or a scheduled day off, during an emergency such as snow removal, fire or official court appearance. In such cases the employee will receive a minimum of two hours overtime pay or one and one-half times the regular rate of pay for the actual hours worked, whichever is

greater. However, an employee asked to return for an emergency callback cannot claim a second period of two (2) hours of emergency callback pay while they are still being paid for the first two (2) hour period.

2. To an employee who is required to work during the time period a holiday is observed for the time worked during the 24 hour holiday period (not applicable to Firefighters and Lieutenants).

When budgetary restraints are compelling, department heads may order employees off the job before the end of the work week to avoid payment of overtime compensation.

Overtime hours must have the approval of the department head and should be approved in advance whenever possible. This applies only to overtime of non-exempt employees. Approval shall be indicated by the department head initialing the employee's time sheet. In-lieu of pay for overtime under (1) and (2), an employee may be granted compensatory time upon approval of the department head (see 4.30).

#### **Sec. 4.25 Carrying a Pager or Other Electronic Device.**

Carrying an electronic device while off duty does not constitute hours worked. These devices allow employees to effectively use the time for their own purposes and, consequently, such time is not compensable. However, the City expects that employees will refrain from consuming alcoholic beverages and a response time of 30 minutes while being required to carry these devices. When carrying an electronic device results in frequent "call ins", a pager benefit payment in addition to hours worked compensation will be studied. In unusual or emergency circumstances the City Administrator may authorize a temporary benefit in lieu of normal study. In the Streets Department during the winter season and in the Sanitary Sewer, Wastewater Treatment, and Water Departments, a 'Call Pay Fee' of one and one half (1½) hours has been implemented for each 24 hour period of being on call. Salaried employees can become eligible for pager compensation. For example, Police Captains receive \$200 a month. When a substantial amount of the minutes of an employee's personal cell phone is being spent answering city related calls, a \$10 monthly cell phone stipend may be implemented. As telecommuting situations occur, employees may be reimbursed for documented hours worked.

#### **Sec. 4.30 Compensatory Time.**

At the option of the department head, employees may be granted compensatory time off with pay in-lieu of pay for hours worked. If hours worked are eligible for overtime pay, 1.5 hours will accrue for each overtime hour worked. If the hours over 40 hours in a week are not eligible for overtime, one hour will be banked for each hour worked. Should the employees accrue over 240 hours of compensatory time, the overage will be automatically paid out with the next pay check. Any employee having accrued compensatory time may, upon termination of employment, be paid for such hours of unused compensatory time, not to exceed 240 hours, at a rate of compensation not less than the average regular rate received by the employee during the last three years of employment or the final regular rate whichever is greater. Compensatory pay will be paid out in a lump sum at separation.

**Sec. 4.31                    Shift Differential.**

A 50 cent an hour differential credit will be paid to covered employees who are required to work between 6 p.m. and 6 a.m. The Fire Department is exempted from this benefit due to their unique work schedule.

**Sec. 4.40                    Exempt Employees.**

Department heads, certain supervisors, and other employees designated by the City Administrator shall not be paid overtime for hours worked in excess of 40 hours per week. Exempt employees are expected to work whatever hours are necessary to complete their work and average at least 40 hours per week. Requests for extended time off will be reviewed by the City Administrator. The exempt positions are as follows:

- |                                 |                            |
|---------------------------------|----------------------------|
| City Administrator              | Golf Course Superintendent |
| City Clerk                      | Human Resource Director    |
| City Engineer                   | Library Director           |
| Communications Director         | Police Captain             |
| Community Development Director  | Police Chief               |
| Finance Director/City Treasurer | Public Property Director   |
| Fire Chief                      | Public Works Director      |

Deductions from pay of exempt employees may be made for disciplinary suspensions of one or more full days imposed for violation of major safety rules or workplace conduct rules.

**Sec. 4.45                    Volunteer Time.**

Volunteer time is any time spent working on a project or task which may be City-related but is entirely voluntary and not required by the department head nor directly related to their position with the City. Such time is not compensable, and any injuries or illnesses occurring during such volunteer time shall not be considered work-related for workers' compensation purposes. Work performed by an employee on a volunteer basis is not compensable.

**Sec. 4.50                    Break Periods**

While there are no federal or state laws requiring a paid break period in addition to a lunch break, it is the policy of the City to provide employees with a paid rest period from their normal duties.

1. One 15 minute break period may be permitted during each four hours of work or as approved by the department head to accommodate department work schedules.
2. Break periods should be scheduled by department heads or supervisors so services rendered by the department are not interrupted.

3. Break periods should not be scheduled shortly after an employee reports for work or shortly before an employee's shift ends. However, a break period twice a day is not an employee right. Work flow problems may make it impossible on occasions to provide a break in a given four hour period of work.

**Sec. 4.70                      Disaster Policy.**

If Columbus should be struck by a tornado, flood, earthquake, severe wind storm, a major hazardous material incident, or other disaster, all regularly scheduled off duty employees are required to report to their work place, for regularly scheduled work shifts, in person if possible, otherwise by telephone, unless otherwise notified by a supervisor. If the employee is not needed, s/he will be released to go home. Persons suffering personal injury to themselves or members of their household or loss of property during the disaster are not normally expected to report to their work but should report to their supervisor or department head daily or as directed by management.

## CHAPTER FIVE

### LEAVE BENEFITS

#### **Sec. 5.00           Vacation.**

The vacation benefit is to provide all regular employees with a paid leave for personal use as recognition for past services.

Regular full-time and regular part-time employees who are scheduled at least 20 hours a week are eligible to start using vacation hours after completion of 12 months of employment.

Regular full-time employees shall be granted vacations based at the following accrual rate:

1.       80 hours paid vacation after one (1) full year of continuous employment.
2.       120 hours paid vacation at six (6) full years of continuous employment.
3.       160 hours paid vacation at fifteen (15) full years of continuous employment.

The vacation accrual rate for regular part-time employees who are designated as being on a 20 hour or more classification will have the same vacation accrual rate per hour worked as a regular full-time 40 hour employee with the same years of experience. For example:

A full-time 40 hour employee accrues 80 vacation hours at the end of the first year of employment based on working 2080 hours in a year. This is an accrual rate of .0385 of an hour of vacation accrual for every hour worked. If a regular part-time 20 hour a week employee works a total of 1040 hours the first year, the employee will accrue 40 hours of vacation. If the employee works 1200 hours, the employee will accrue 46.2 hours of vacation in a year.

Arrangements for vacation time and approval by the department head or their designee should be made at least four weeks in advance whenever possible. A department head may ask that a written vacation request be turned in so they can be pre-approved. Whenever a conflict arises in scheduling employees for vacation, seniority will be an important consideration in resolving the issue.

Employees may carry up to two years of accrual based on their current employment status. However, any accrual of more than two years will be removed from the records. Vacation accrual shall continue until separation of employment, however, no accrual shall occur on the last paycheck. Having several weeks of vacation accrual does not guarantee an employee the right to use it in a single period of time. Vacation time is to be worked into the department schedule and the maintenance of city service is the first priority. Fire Lieutenants shall accrue vacation leave at the rate stated in the Firefighter contract. Since Firefighters and Lieutenants receive a designated holiday benefit regardless of hours scheduled on a holiday, paid vacation may be used to replace scheduled work hours on an observed holiday.

Pay in lieu of vacation for full-time 40-hour employees is not permissible. The only exception to this

policy would be at the City's request and only upon the approval of the City Administrator. Vacation leave will not accrue while an employee is on a leave of absence without pay. If a holiday occurs during the time an employee is on vacation leave, the employee will not be charged a vacation day for the holiday.

At the time of separation, the employee will be paid for all unused accrued vacation leave up to the maximum amount which can be accrued. This accrued vacation pay can be paid out in a lump sum at separation, or can be paid out biweekly until the end of the month of separation in order to maintain health and dental coverage. All insurance coverages end at the last day of the month in which the employee's last day of work occurs.

Vacation pay will not be paid in advance but will be included in the payroll period which includes the vacation period.

Because we recognize the importance of providing our employees with time off for rest, recreation, to recuperate from an illness, to attend family and other personal activities or for whatever purpose our employees deem appropriate, the City grants annual vacation to eligible exempt and non-exempt regular, full-time employees. Regular full-time employees become eligible for vacation upon the successful completion of their Introductory Period. The amount of vacation to which you are entitled depends upon your length of service with the City. Once a regular full-time employee becomes eligible, vacation becomes available based on your length of service with the City according to the schedule below and subject to certain employment conditions.

Employees shall accrue vacation each year as follows:

<i>Years of Service With City</i>	<i>Annual vacation Accrual</i>	<i>Vacation Accrual Per Pay Period</i>	<i>Maximum Vacation Allowed In Employee's Vacation Bank</i>
After completion of Introductory Period-5 years	80 hrs	.0385 of an hour of vac. accrual for every hour worked.	160 hrs
6 years-14 years	120 hrs	4.61 of an hour vac. accrual for every hour worked	240 hrs
15 years+	160 hrs	6.15 of an hour vac. accrual for every hour worked	320 hrs

Once an employee has reached the maximum vacation accrual, the employee will not accrue additional vacation until the employee uses some vacation time so as to fall below the maximum accrual limit.

Whenever possible, we ask that all requests to use vacation and changes to those requests be made as far in advance as is possible. Shorter notice may be allowed in cases of emergency, with notification to your supervisor as soon as practicable. The earliest requests and/or changes in advance of the specific day requested will be given priority in determining which requests can be granted based on work requirements and citizen demands. In the event that multiple requests are turned in at the same time and production needs can't accommodate them all, the City Administrator reserves the right to determine which requests will be granted so as to accommodate the needs of the City.

Time taken as vacation does count towards hours worked for overtime purposes.

The purpose of vacation is to give you a chance to rest, relax and spend time on activities other than work. Therefore, you may not take your paid time off benefit as extra pay in lieu of time off. Upon separation, you will be paid accrued but unused vacation. Accrued vacation may not be used after a notice of termination has been given.

#### **Sec. 5.20                    Sick Leave.**

The sick leave benefit was instituted to provide continued earnings to eligible employees during short spells of illness or injury. Regular employees who are scheduled for 20 hours a week or more are eligible for sick leave benefits based on hours worked. The maximum accrual is prorated based on the employee status.

Full-time 40-hour employees accumulate sick leave benefits at the rate of eight hours per month up to a maximum 1,040 hours which is approximately six months of paid work time. Once an employee has accumulated 1,040 hours of sick leave it will not accumulate further. So, for example, if an employee has accumulated 1,040 hours of sick leave and is sick or injured for five 8 hour days, the accumulated sick leave would be lowered 40 hours until such a time as the employee builds up their accumulation again. Fire Lieutenants shall accrue sick leave at the rate and maintain the same accrual as stated in the Firefighter contract.

Sick leave is basically an "insuring" benefit. However, employees will be paid 25% of the accumulated sick leave benefit at retirement if they have at least 15 years of service and are age 55 or older. Employees will be paid 50% of the accumulated sick leave benefit at retirement if they have at least 20 years of service and are age 55 or older. If an employee dies with hours remaining in the sick leave account, 100% of this accumulation will be paid to the same beneficiary as is named in the City life insurance policy records for that employee.

Employees will not be paid for sick leave during the first six consecutive months of qualified employment. However, benefits will be accumulating at the prorated rate from the date of employment if the months of employment are consecutive qualified employment.

Absence due to illness or injury must be reported to the department head or immediate supervisor as soon as possible. Failure to report the absence before the hour of duty may result in loss of sick leave pay. Absence due to illness or injury must be reported each day, unless the employee and department head have personally agreed to more extended periods of time. If an employee is absent without permission and is not in fact ill, the supervisor may cause a deduction in pay to be made from the

employee's next paycheck for the number of hours absent from work.

Administration or department heads may request a physician's certification of illness from an employee for any sick leave, regardless of duration.

Abuse of sick leave benefits will result in disciplinary action and may be grounds for termination.

An employee may take sick leave: for illness of a member of the employee's immediate family, including dependents, that require the employee's personal care and attention in the judgment of the department head; enforced quarantine of the employee in accordance with community health regulations; a visit to a medical professional such as a doctor, dentist, or optometrist. Such appointments shall be scheduled in cooperation with the supervisor.

Sick leave benefits will not generally be paid for illnesses which occur during a scheduled vacation or scheduled days off. If an employee has an emergency inpatient hospitalization during a scheduled vacation the department head may grant the use of sick leave. If a holiday occurs during a period of illness the employee will receive holiday pay for that day in lieu of sick leave. Because of the unique holiday payment for Fire Lieutenants and Firefighters, it may be possible to receive payment of sick leave during scheduled holiday work hours with the approval of the Fire Chief.

### **Sick Leave Bank**

The purpose of the City of Columbus Sick Leave Bank is to provide additional paid leave for regular employees or the employee's spouse or resident minor children who have exhausted their accrued sick, vacation and compensatory leave benefits as the result of a catastrophic illness or injury. The Bank serves as a depository into which participating employees may voluntarily contribute leave for allocation to other participating employees. The purpose of the bank is not to provide unlimited paid sick leave for any medical reason but to alleviate the hardship caused when employees lose compensation as the result of a catastrophic illness or injury.

In the event a regular employee is diagnosed, or the employee's spouse or resident minor children are diagnosed with a severe illness that results in prolonged absences, use of the Sick Leave Bank may be requested. A request to utilize the Bank will be made to the department head and with the approval of the City Administrator.

#### **Establishment of the Sick Leave Bank**

The bank will be established through the voluntary contribution of one leave day by active full-time employees during an initial enrollment period. Contributing a leave day establishes membership in the Bank and eligibility to apply for withdrawal from the Bank.

Once the Bank has been established, an open enrollment period will be held annually during the month of September. During the enrollment period, any eligible employee may join the Bank for the following fiscal year by contributing one leave day. In order to remain a member in good standing, current Bank members must voluntarily make an annual contribution of one leave day each September at the time of initial enrollment. Should the Bank reach a balance of forty-five (45) or fewer available days, a special contribution period may be opened. If any days remain in the Bank at the end of the fiscal year, they will be carried over to the next fiscal year.

The program will be operated under the following additional guidelines:

1. Eligibility is discontinued upon termination of employment, retirement, death, or failure to donate a leave day the following fiscal year(s). No payment of benefits will be made to survivors.
2. Membership continues from year-to-year with annual reduction in one leave day until/unless the member submits a revocation form to discontinue membership to Human Resources.
3. Employees must waive all claims to leave voluntarily donated sick leave in the Bank, including any monetary or retirement-related value the days may hold.
4. The Bank is available to those employees who have completely exhausted all sick, vacation and compensatory leave and who are not receiving disability or Worker's Compensation.
5. Employees joining the Bank must have eighty (80) leave hours remaining after making a donation.
6. Employees who wish to voluntarily participate in the Sick Leave Bank must sign a statement accepting these terms of the Bank.
7. Employees may not designate a particular individual to receive or to not receive their donated leave.
8. A request to utilize the Bank may be denied if the member fails to provide any requested documentation.
9. The Bank will be administered in accordance with the Americans with Disabilities Act and Family and Medical Leave Act requirements.
10. The maximum amount of donated sick leave any employee can receive shall be 960 hours.

**Sec. 5.30                    Administrative Leave.**

Department heads may make requests for employees paid administrative leave to the City Administrator, if approved, such leave will not be chargeable to vacation leave under the following circumstances:

1. With department head approval, employees who are members of Civil Defense, Volunteer Fire Department or are assisting with preparation, response, cleanup from a disaster, or are put on procedural administrative leave may qualify for administrative leave during scheduled work hours without loss of pay.
2. In the event of the death of a current or former City official or employee, employees may receive approved administrative leave time to attend the funeral provided adequate staffing can be maintained for the functioning of all city departments.

**Sec. 5.31 Jury Duty/Witness Leave.**

In the event an employee is summoned to jury duty, the employee must notify his or her supervisor immediately after receiving such notification. If the employee is required to serve jury duty and this interferes with their regularly scheduled work day, the employee will not suffer loss of earnings. However, the employee must promptly turn over all jury pay to the City. Mileage payment for travel during jury duty is not considered a part of jury duty pay.

An employee must report for work on any day they are not assigned to jury duty and must report for work immediately upon the conclusion of their jury service. If approved by the supervisor, an employee may start their shift earlier than normal or finish their shift later in order to facilitate workflow.

An employee called to be a witness in a court or administrative proceeding is entitled to receive their regular rate of pay for time spent as a witness for those matters arising out of and related to the performance of their official duties for the City. However, the employee must promptly turn over all witness fees to the City. Paid witness leave is not available for time spent as an expert witness, for matters relating to any disciplinary or other action against the employee, or for matters that did not arise out of or are not related to the performance of the employee's official duties for the City. All decisions regarding witness leave shall be resolved at the sole discretion of the City Administrator.

**Sec. 5.32 Voting Time.**

Any employee whose work schedule conflicts with the opening and closing hours of the polls will be given time off to vote. The employee must request the leave of absence for voting prior to or on election day and the supervisor may specify the period of absence

**Sec. 5.35 Election Work.**

If service as an election official is required by state statute as it is for jury duty, working as an election official is considered to be a public duty. The check you receive for serving as an election official must be signed and provided to City's Finance Department.

**Sec. 5.40 Workers' Compensation.**

As required by law, the City shall carry Workers' Compensation Insurance. This insurance shall cover work related accidental injuries, illnesses, or death while at work with the City.

All accidents must be reported immediately to an employee's immediate supervisor. The employee should complete an incident report, and give it to his/her supervisor who will promptly forward it to the department head for their analysis and signature. The department will promptly forward the incident report to the Human Resources Director office or will require the employee to personally bring the report to the Human Resources Director office for processing.

Repeated laxity in reporting injuries can result in disciplinary action.

If medical treatment costs are incurred, bills should be promptly sent to the Human Resources Director. This information will be submitted to the insurance company to determine if the injury is compensable.

Compensation payments are determined by state and federal regulations. A seven day waiting period is normally involved before compensation begins.

However, if an employee is injured in the line of duty and is unable to work, the employee shall receive full pay from the City less the amount of any Workers' Compensation payments for up to six months after the date of such covered injury. When an employee receives Workers' Compensation checks from the insurance company for temporary total and partial disability benefit, the checks are to be immediately turned over to the City since the employee is already being paid for the lost wages.

The City will not retaliate against an employee for seeking or receiving Workers' Compensation benefits to which they are entitled. Employees believing that they have been retaliated against must bring the matter to the attention of their supervisor. If this proves unsatisfactory or the employee is uncomfortable visiting with their supervisor regarding the matter, the employee should contact their department head. If this does not resolve the matter or this would prove uncomfortable, the employee may always contact the Human Resources Director directly.

**Sec. 5.50                    Holiday Leave.**

The City shall observe the following holidays during the year:

New Years Day	January 1
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas	December 25
Personal Holiday	One personal day off chosen by employee

Regular full-time employees are entitled to paid leave in observance of these holidays. These holidays are to be taken in whole day increments. The pay record and/or time sheet will be recorded as "holiday

pay" and will be equal to the number of normally scheduled work hours for the employee's shift at the regular rate of pay except for Firefighters and Lieutenants. In addition, a regular employee may take two hours of holiday time one day a year to attend a religious observance of their faith.

If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed on the following Monday. For City departments or work groups who are normally scheduled to work on holidays, the department head may elect to have the work group observe the holiday on its actual day even when the holiday is on a weekend.

An employee terminating before the actual holiday is not eligible for holiday pay. Regular employees, except for Firefighters and Lieutenants, scheduled to work during an observed holiday will be paid their regular rate of pay for the scheduled holiday hours as a part of the employee's holiday compensation. These hours are to be recorded as holiday hours on the time sheet. The employee will also receive one and one half times their regular rate of pay for all hours worked on the holiday except for Firefighters and Lieutenants who receive regular rate of pay.

Except for Firefighters and Lieutenants, all regular employees called in to work on an observed holiday will receive their normal holiday leave hours written into the holiday section of the time sheet. They will also receive one and one half times their regular rate of pay for the hours worked on the holiday. For example, a Water Department employee called in to work for two hours on Veterans Day will receive eight hours of holiday pay plus two hours of overtime for working on the holiday.

A regular part-time employee who would have normally been scheduled to work but was granted the time off on an observed holiday will receive the time off and their regular pay for that observed holiday.

Temporary and seasonal workers will receive one and one half times their regular rate of pay for all hours worked on an observed holiday.

**Sec. 5.60                    Leave of Absence Without Pay.**

A leave of absence may be granted to an employee for a compelling reason.

For purposes of accruing benefits the following criteria will apply:

1. All benefits that operate on an accrual basis will cease to accrue during any period of unpaid leave.
2. Benefits which are accrued up to the time of the leave of absence will be retained. Employees taking a leave of absence must first use up accrued compensatory time, vacation, and if appropriate, sick leave. The employee will also become responsible for paying their insurance premiums if they will be off work for at least one month after accrued compensatory time, vacation and if appropriate, sick leave are exhausted.

All requests for a leave of absence must be in writing and approved by the department head and the City Administrator.

A request for a leave of absence should be submitted at least two weeks in advance. An exception to this policy may be granted in emergency or special cases as approved by the department head and City Administrator.

An employee will be reinstated to his original position whenever possible after a leave of absence. However, the City does not guarantee the availability of the same position, in which case an attempt will be made to place the employee in a similar position, if available. Failure of the employee to return to work at the expiration of the leave of absence will result in disciplinary action and may result in termination retroactive to the starting date of the leave.

An employee must make arrangements with the Finance Department before going on a leave of absence for payment of voluntary payroll deductions such as health insurance, or long term disability insurance, if the employee will not receive enough pay to cover the deductions for one or more payroll periods. If, during an approved leave, an employee desires to have the City continue its contributions toward insurance coverages such as life insurance and health insurance (assuming family medical leave does not apply 5.70), the employee must use at least 30 hours of paid leave per week to maintain the City contribution. When the employee no longer has any paid leave, then the employee must pay the entire cost of the premium for the remainder of the approved leave to keep coverages in force. Ordinarily, a leave of absence will not be granted for more than three months. However, leaves for a specific purpose, such as military service or educational programs may be granted for longer than three months. No leave without pay shall be granted if, when combined with all other types of leave which the employee has taken or is available to the employee, will exceed a period of one (1) year's total leave except for employees covered by required military duty and as pursuant to military orders.

A holiday which occurs during an unpaid leave of absence of 14 days or more will be forfeited, no matter when the holiday falls in the leave period.

If an absence due to illness or injury extends beyond the accrued paid sick leave days, questions concerning benefits, etc. should be referred to the Human Resources Department for interpretation. The City may require certification, on a periodic basis, of an employee's continuing illness or disability by the employee's physician and/or a physician selected by the City. Applicable benefits may also be available under the Family Leave Policy.

## **Sec. 5.70                    Leave of Absence (Family Medical Leave & Military Family Leave).**

The City will comply with the Family Medical Leave Act of 1993.

### **I.            Eligibility for Leave**

- A. Any employee who has been employed by the City at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the commencement of the leave of absence is eligible for an unpaid family or medical leave of absence if certain conditions are met (“eligible employee”). In appropriate circumstances, the eligible employee will be returned to the same or an equivalent position following the leave.

- B. An eligible employee is entitled to family and medical leave for one or more of the following reasons:
- (1) birth of a son or daughter, and care for the newborn son or daughter, if concluded within twelve (12) months of the birth of the child;
  - (2) placement with the employee of a son or daughter for adoption or foster care, if concluded within twelve (12) months after placement;
  - (3) care for the employee's spouse, child, or parent who has a serious health condition;
  - (4) inability of the employee to perform the functions of his or her position due to a serious health condition;
  - (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; or
  - (6) care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next-of-kin of the servicemember.

## **II. Required Notice**

- A. If the necessity for the leave is foreseeable, an employee must provide the City with thirty (30) days advance written notice of a request for leave. Leave is deemed to be foreseeable if it is for an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. It should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.

## **III. Medical Certification**

- A. An employee requesting leave based on a serious health condition, whether it involves the employee or family member, must obtain a medical certification form. The medical certification form must be completed and signed by the employee's health care provider. All FMLA forms may be printed from the U.S. Department of Labor website: <http://www.dol.gov/esa/whd/fmla>, or you can obtain the forms from the Human Resource Director.

The completed certification form (FMLA) must be submitted within fifteen (15) calendar days of the requested leave, unless it is not practicable under the particular circumstances. Failure to provide the required medical certification may result in denial of all privileges and benefits under this policy and result in denial of re-employment upon completion of the leave.

- B. In all cases of leave for medical reasons, the City reserves the right to request a second medical opinion, at the City's expense, if the validity of the first medical certification is in doubt. The City shall designate the health care provider to furnish the second opinion. If the opinions of the employee and the City's designated health care providers differ, the City may require the employee to obtain a third medical opinion at the City's expense. The third health care provider will be chosen jointly by the City and the employee. The third opinion is final and binding.

The City may request recertification no more often than every thirty (30) days, except where the employee requests an extension of leave or circumstances described by a previous certification have changed significantly. However, if the medical certification indicates that the minimum duration of the condition is more than 30 days, the City must wait until that minimum duration expires before requesting a recertification. In all cases, the City may request a recertification of a medical condition every six months in connection with an absence by the employee. The City may request recertification in less than 30 days if: 1) the employee requests an extension of leave; or 2) circumstances described by the previous certification have changed significantly; or 3) the City receives information that causes doubt upon the employee's stated reason for the absence of the continuing validity of the certification.

#### **IV. Service members Certification**

- A. An employee requesting leave based on a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, must provide the employee's supervisor with a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

An employee requesting leave based on a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, must also obtain a certification form from the Human Resource Director or U.S. Department of Labor website that must be signed and completed by the employee. The completed FMLA form must be submitted within fifteen (15) days of the requested leave, except in unusual circumstances. Failure to provide the required certification may result in denial of all privileges and benefits under this policy and result in denial of re-employment upon completion of the leave.

- B. An employee requesting leave to care for a covered servicemember with a serious injury or illness, must obtain a certification form from the Human Resource Director or U.S. Department of Labor website that must be signed and completed by the employee. The completed certification form must be submitted within fifteen (15) days of the requested leave, except in unusual circumstances. Failure to provide the required medical certification may result in denial of all privileges and benefits under this policy and result in denial of re-employment upon completion of the leave.

In lieu of a certification, the employee may submit as certification “invitational travel orders” or “invitational travel authorization” issued to any employee’s family member to join a qualified injured or ill servicemember at his or her bedside.

## **V. Length of Leave**

- A. Each eligible employee may be granted an unpaid family and medical leave, including maternity leave, for a period up to twelve (12) weeks (during any twelve (12)-month period). In determining eligibility for leave, a "rolling" twelve (12) month period is used, measuring backward from the date the employee first uses the leave.
- B. An eligible employee may be granted an unpaid family and medical leave to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, for a period of up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.
- C. An employee requesting leave will be required to use any unused accrued vacation, comp time and sick leave as part of the FMLA leave. Once such accrued vacation, comp time and sick leave is exhausted, the balance of the employee’s FMLA leave will be without pay.

## **VI. Benefits during Leave**

- A. An employee on a family or medical leave will be retained on the City’s health plan under the same conditions as active employees, except that the employee must make arrangements with the payroll administrator for timely payment of the employee's portion of the premium in order to continue such coverage, and if any premium payment is more than thirty (30) days late, coverage will be lost during the period of the leave. In circumstances where an employee is on paid leave (*i.e.*, the use of sick leave or vacation while on FMLA leave), the appropriate deductions will be made in the same manner as the employee's regular paycheck. All benefits that operate on an accrual basis will cease to accrue during any period of unpaid leave.

- B. In the event that an employee fails to return from leave, consistent with the terms of this policy, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless:
  - (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or
  - (2) the failure to return stems from circumstances beyond the control of the employee.

## **VII. Return from Leave**

- A. An employee returning from leave will be reinstated to the same or an equivalent position upon his or her proposed return to work date, except that the employee will not be entitled to any employment rights or benefits greater than those he or she would have had in the absence of taking such a leave.
- B. In dealing with leaves involving a serious health condition of an employee, as a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, the City must receive a fitness-for-duty certificate from the employee's health care provider stating that the employee is able to resume work.

## **VIII. Reduced Work Schedule**

In limited circumstances, an employee who is eligible for family or medical leave may be permitted to work a reduced schedule or receive periodic time off from work.

In cases of a serious health condition of the employee or a family member, such leave may be permitted in circumstances when it is medically necessary, but appropriate medical certification will be required. In dealing with planned medical treatment, an employee is required to make reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations, and the City reserves the right to request rescheduling of such treatment in appropriate circumstances. Further, where a reduced work schedule is based on planned medical treatment, the City reserves the right to temporarily transfer the Employee to a comparable position that better accommodates the employee's recurring periods of leave.

Any time permitted based on a reduced work schedule will be treated in the same manner as absence under the family and/or medical leave policy, and such absence will be counted against the leave permitted under the policy.

**Sec. 5.80                   Absence Without Leave.**

Employees failing to report for or remain at work as scheduled or directed without proper notification, authorization, or excuse shall be considered absent without leave, shall not be in pay status for the time involved, and shall be subject to appropriate disciplinary action. Absence without leave for more than three work shifts or in the case of a firefighter, two work shifts, shall be considered an abandonment of their duties, which shall ordinarily result in dismissal.

**Sec. 5.85                   Continued Employment While on Leave of Absence**

Employees who are on an approved leave of absence, whether paid or unpaid are normally prohibited from outside employment with another employer or being self-employed while on such leave unless the employee's written disclosure of the employment relationship is approved by the City Administrator. Military orders would be considered an exception to this rule. Employees who are found to be engaged in outside employment while on a leave of absence may be disciplined up to and including termination.

**Sec. 5.90                   Compassionate Leave.**

In the event of a death, serious illness, injury or similar major personal problem of a regular 20 hour or more a week employee's spouse, children, mother or father, brothers or sisters or immediate family, or the employee's spouse's children, mother or father or immediate family a department head may request compassionate leave for the employee, not to exceed three work shifts with pay, per occurrence, to a regular employee. Firefighters may use up to 24 working hours over two work shifts with approval of Fire Chief. Compassionate Leave request shall be made to and approved by the City Administrator.

When an event would also qualify under the sick leave benefit, sick leave will be the leave of first resort.

In the event of a death of an employee's brother's wives, sister's husbands, grandparents, grandchildren, aunts, uncles, nieces or nephews, or the employee's spouse's brothers and their wives, sisters and their husbands, grandparents, grandchildren, aunts, uncles, nieces or nephews a department head may grant an employee up to one work shift, with pay, to attend the funeral, wake or event related to the funeral.

## **CHAPTER SIX**

### **PROBLEM SOLVING AND DISCIPLINE**

#### **Sec. 6.10                    Statement of Policy.**

The City of Columbus is interested in the establishment of good employee relation practices and the promotion of sound personnel management. Circumstances may arise, apart from disciplinary actions, which cause employee dissatisfaction. Therefore, the following procedures are established whereby employees are entitled to present their complaints without reprisal.

#### **Sec. 6.15                    Informal Procedure.**

In keeping with the philosophy that employee problems should be resolved at the lowest possible level with a minimum of paperwork, it shall be the City policy to encourage employees to informally take any job-related complaints to their immediate supervisors. Supervisors shall listen with care to employees, shall attempt to understand their points of view and shall provide clear and timely responses to their complaints. An employee remaining dissatisfied with a working condition, reprimand, or other aspect of employment not subject to the disciplinary appeal procedure, may then use the formal grievance procedure.

#### **Sec. 6.20                    Chain of Command.**

All requests from elected City officials requiring action by City personnel are to be channeled through the City Administrator.

#### **Sec. 6.25                    Formal Grievance Procedure.**

An employee may submit a written grievance to his or her immediate supervisor within seven calendar days after the cause of the grievance arises or becomes known to the employee. The grievance shall clearly state the basis for the complaint and the relief requested. The supervisor shall discuss the grievance with the employee as necessary and shall provide a written response within seven calendar days after receipt. An employee remaining dissatisfied may then submit the grievance to the next higher supervisor within seven calendar days following receipt of the initial response, and so on up to the City Administrator if necessary. Time limits shall be strictly enforced. Late submission of a grievance at any stage of the procedure shall bar its consideration. Similarly, if a supervisor below the level of the City Administrator should fail to provide a written response within seven calendar days after receipt of the grievance, the employee shall be allowed to take the grievance to the next higher supervisor.

As the final authority for grievances the City Administrator shall conduct any necessary investigation and/or hearing. If the City Administrator determines that a hearing is necessary, the employee shall be afforded an opportunity to attend, to be represented by anyone of his or her choosing, and to present evidence and/or witnesses in his or her behalf. The City Administrator shall provide the final written response to a grievance within ten calendar days after receipt or, if a hearing is held, within ten calendar days following conclusion of the hearing.

In the event the grievance is made against the City Administrator, the Mayor or his/her designee shall perform the duties and act as final authority.

**Sec. 6.30                    Reprimands.**

A form of guidance which may be oral or written, and which should be used not only to warn an employee, but also to guide, direct, and instruct the employee how to correct and avoid repeating a mistake, infraction, deficiency, or problem.

1.     **Verbal Reprimand:** Verbal reprimands shall be considered the normal means of correcting the actions of a subordinate and shall be used in cases of mistakes, inefficiency, or other factors which adversely affect an employee's ability to efficiently carry out his/her duties and responsibilities. Any supervisor may reprimand their subordinate at any time for cause and shall inform the employee specifically of the problem and shall give them counsel and assistance. A reasonable period of time for improvement may be allowed before initiating further action. Verbal reprimands will normally be given in a private session.

A written record of the date and reason(s) why a verbal reprimand was issued shall be given to the Human Resource Director.

2.     **Written Reprimand:** In situations where a verbal reprimand has not resulted in the expected improvement or when more severe initial action is warranted, a supervisor may issue a written reprimand to the employee clearly stating the reasons for the reprimand and indicating what further action may be taken if the problem is not corrected. The employee will acknowledge receipts of the reprimand with their signature and may respond in writing stating the reasons why they feel the reprimand is unjust.

A copy of the reprimand, along with the employee's acknowledgment of receipt and any written response, will be placed in the employee's personnel file.

3.     **Appeals of Reprimands:** Verbal or written reprimands may be appealed through the grievance procedure provided for in Section 6.25 of these rules.

**Sec. 6.35                    Disciplinary Actions.**

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall take prompt action, appropriate to the seriousness of the situation. Disciplinary action shall be divided into two classes as follows:

- |          |  |
|----------|--|
| Class I  | Loss of vacation, benefits, compensation or other privileges, except pension benefits. |
| Class II | Suspension, demotions, and termination.  |

**Sec. 6.40 Causes for Class I and Class II Disciplinary Action - Civil Service Employees.**

Civil Service employees employed by the City of Columbus shall be designated by the definition in Revised Statutes of Nebraska, Sec. 19-1829; "The Civil Service Act shall only apply to full-time firefighters or full-time police officers of each municipality, including any paid full-time police or fire chief of such department."

Class I and Class II disciplinary actions may be applied to civil service employees for the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty.
2. Dishonesty, prejudicial conduct, immoral conduct, insubordination of a lawful order, discourteous treatment of the public or a fellow employee, any act of omission or commission tending to injure the public service, and willful failure on the part of the employee to properly conduct themselves, or any willful violation of the Civil Service Act or the rules and regulations adopted pursuant to such act.
3. Mental or physical unfitness for the position which the employee holds.
4. Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of their position.
5. Conviction of a felony or misdemeanor tending to injure the employee's ability to effectively perform the duties of their position.
6. Any other act or failure to act which, in the judgment of the Civil Service Commissioners, is sufficient to justify the offender to be an unsuitable and unfit person to be employed in the public service.

**Sec. 6.45 Causes for Class I and Class II Disciplinary Action - Non-Civil Service Employees.**

Class I and Class II disciplinary action (6.35) may be applied to non-civil service employees for any of the following reasons:

1. The employee has been incompetent, negligent, or inefficient to such an extent that their job performance falls below a reasonable minimum standard.

2. The employee has willfully violated any of the provisions of the City Code or of these rules; or has attempted to, or does commit any act or acts intended to nullify or mitigate any of the provisions thereof.
3. The employee has been convicted and sentenced in any court of competent jurisdiction for a felony or a crime involving moral turpitude under the laws of this state, or any other state, or of the United States, provided such conviction is deemed to be detrimental to the effective performance of the duties and responsibilities of the position.
4. The employee has been offensive or brutal in their treatment of public charges, fellow employees, or other persons.
5. The employee has some permanent or chronic physical or mental ailment or defect which incapacitates the employee from the proper performance of the employee's essential duties or which creates an undue risk to the employee or others.
6. The employee has violated any lawful official regulation or order or failed to obey any lawful and reasonable directions given by their superior when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss or injury to the city or to the public.
7. The employee has been on duty or reported to duty while under the influence of intoxicating liquors or beverages, narcotic drugs not prescribed for their use by a licensed physician, or who had indulged in the use of the same while on duty.
8. The employee has taken for personal use a fee, gift, or other valuable thing in the course of the employee's work or in connection with it when such a fee, gift, or other valuable thing is given the employee by any person in the hope or expectation of receiving a favor or better treatment than accorded other persons.
9. The employee is careless or negligent of the property of the city, or steals, misplaces, or misuses equipment, materials, property, or any other thing of value belonging to the city.
10. The employee is engaged in outside employment or private business or in a trade or occupation in violation of Rule 7.40.
11. The employee has been guilty of using, threatening to use, or attempting to use political influence or to exert unethical pressure on any city employee or officer in securing promotion, transfer, leave of absence, increased pay, or other favors.
12. The employee has intentionally falsified time records or given false information on his application for employment. This falsification includes swapping of time and time not recorded properly.

13. The employee has been absent from duty without leave or contrary to department policies; or has failed to report after such a leave of absence has expired or within a reasonable time after such leave of absence has been revoked.
14. The employee has failed to call their superior according to department policy to let the superior know when the employee will be tardy or absent because of sickness or other causes so that it affects the efficient performance of the employee's duties or the morale of fellow employees.
15. The employee has been habitually tardy or absent from duty without sufficient cause.
16. The employee has claimed to be sick when physically fit for duty.
17. The employee has participated in any political campaign or activity prohibited under Rule 7.60 of these rules and regulations.
18. The employee has been antagonistic in their attitude toward their superiors or fellow employees, criticizing orders or rules issued and policies adopted by their superiors; or so conduct themselves to interfere with the proper coordination of the employees of the City to the detriment of efficient public service.
19. The employee used a City vehicle or equipment for personal use, or allowed unauthorized persons to ride in city vehicles, or used emergency or standby vehicles for transportation to and from residence other than when serving standby duty.
20. The employee has engaged in the harassment or unfair treatment of any person because of political or religious opinions, or affiliations, or because of race, color, national origin, marital status, veteran status, age, sex, or physical disability.
21. The employee has engaged in the unauthorized disclosure of official information.
22. The employee has failed to observe rules relating to the health and safety of employees or of the rules relating to the direction of personnel in the department.
23. The employee has committed acts detrimental to the good order, discipline, and repute of the City service.
24. The employee has acted in a manner not aforementioned specified which tends to lower discipline or morale within the City service or adversely affects the rendering of prompt, courteous, and efficient service by the City and its employees to the public.

**Sec. 6.50 Procedure for Class I Disciplinary Action (Section 6.35).**

When a department head deems such action is necessary, appropriate, and in the best interest of City service, a department head may recommend to the City Administrator that an employee be subject to a Class I Disciplinary Action. The recommendation shall be in writing and shall contain the reasons why it is necessary for the department head to recommend disciplinary action, the type of, and

recommended duration of the disciplinary action. The City Administrator, after reviewing all the facts, shall either approve, reject, or modify the recommendations of the department head. In the case of those employees over which the City Administrator is not the appointing authority, the City Administrator shall forward both recommendations to the appropriate appointing authority. The appointing authority, after reviewing all the facts shall either approve, reject, or modify the recommendations of the City Administrator. After the appointing authority has taken the appropriate action, the employee shall be notified in writing of the disciplinary actions and the reasons therefore. The employee shall have the right to appeal any Class I disciplinary action to the appropriate appointing authority within ten (10) calendar days after such notification.

**Sec. 6.55                      Procedure for Class II Disciplinary Action – Civil Service Employees  
(Section 6.35).**

1. No employee in the civil service who shall have been permanently appointed or inducted into the civil service shall be removed, suspended, demoted, or terminated except for cause, and then only upon the written accusation of the Police or Fire Chief, City Administrator, Mayor, or any citizen or taxpayer. The written accusation shall set forth the alleged misconduct, charges, or grounds for investigation against the employee.
2. If the written accusation is made by a citizen or taxpayer, it shall be filed with the Mayor, or the City Administrator, or the Secretary of the Civil Service Commission who shall cause a copy of such written accusation to be delivered within 24 hours (excluding weekends and holidays) after the filing to the Police Chief or Fire Chief, and to the City Administrator if filed with the Mayor or the Commission Secretary.
3. A temporary and immediate suspension may be effected when there is need to remove the employee from the work place promptly because of a possibility of violence, disruption of work, insubordination of a lawful order under the apparent influence of intoxicants or drugs, or for any other reason which requires prompt removal. A temporary and immediate suspension may be imposed by the City Administrator, department head, or immediate supervisor. A temporary and immediate suspension shall be with pay until such time as there is compliance with procedures established herein.
4. The Police or Fire Chief shall, within 10 business days, investigate the alleged misconduct, charges, or grounds against the employee and explain the basis of the employer's evidence to the employee and provide the employee an opportunity to present their version of the circumstances which resulted in the filing of the written accusation. If the Chief's investigation reveals other misconduct or charges, the Chief shall file an additional written accusation to include the other misconduct, charges, or grounds in accordance with the above procedure. Upon completion of this procedure, the Police or Fire Chief shall recommend in writing to the City Administrator that the alleged misconduct, charges, or grounds set forth in the written accusation or accusations be deemed:
  - a) To be without merit.
  - b) To not warrant disciplinary action.

- c) To warrant disciplinary action less severe than removal, demotion, termination, or suspension, with or without pay such as an oral or written reprimand.
  - d) To warrant removal, demotion, termination, or suspension with or without pay.
5. Within five working days after receiving the written recommendation of the Police or Fire Chief, the City Administrator shall decide to accept the recommendation of the Police or Fire Chief, or shall decide that alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation be deemed:
- a) To be without merit.
  - b) To not warrant disciplinary action.
  - c) To warrant disciplinary action less severe than removal, demotion, termination, or suspension, with or without pay, such as an oral or written reprimand.
  - d) To warrant removal, demotion, termination, or suspension with or without pay.
  - e) To recommend stronger discipline.

The City Administrator shall forward a copy of the City Administrator's recommendation with the Chief's recommendation to the Mayor.

6. Within five working days after receiving the written recommendation of the City Administrator and the Chief, the Mayor shall decide to accept the recommendation of the City Administrator and/or Police or Fire Chief, or shall decide that the alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation be deemed:
- a) To be without merit.
  - b) To not warrant disciplinary action.
  - c) To warrant disciplinary action less severe than removal, demotion, termination, or suspension, with or without pay such as an oral or written reprimand.
  - d) To warrant removal, demotion, termination, or suspension with or without pay.
  - e) To recommend stronger discipline.

The Mayor shall, within 21 working days of having received the City Administrator's statement, submit his decision to the City Council for its approval. After approval of the City Council, the Mayor shall cause a copy of such decision to be filed, within 24 hours after the action of the City Council, with the Secretary of the Civil Service Commission, the Police or

Fire Chief, and employee, personally or by certified mail, addressed to the employee at the residence address of the employee shown in the personnel records. The Secretary of the Commission shall cause a return showing such delivery or mailing to be executed and filed in the Secretary's office.

7. In the event the Police or Fire Chief is being disciplined, the City Administrator or Mayor shall follow the same procedures as are followed by the Police or Fire Chief in disciplining employees under this procedure.
8. Any employee so removed, suspended, demoted, or terminated may, within ten calendar days after receiving written notice of the Mayor's decision, file a written demand for an investigation and a hearing by the Civil Service Commission. The employee shall file the request for the hearing with the secretary of the Commission and simultaneously send a copy of the request to the City Administrator and Mayor. The failure to file such a request with the secretary of the Commission within ten calendar days of receipt of notice of the action by the Mayor, shall constitute a waiver of the employee's right to review by the Civil Service Commission, and the Mayor's decision shall become final.
9. Within five calendar days of receipt of the employee's notice of appeal, the City Administrator shall cause to be mailed or delivered the following notice to the employee and secretary of the Civil Service Commission:
  - a) A statement of the charge(s).
  - b) The names of the witnesses who will be called on behalf of the Mayor and general statement of the nature of their testimony.
  - c) Copies of the documents to be introduced.
10. Within five calendar days of the filing of the written demand for an investigation and a hearing by the Commission, the employee shall mail or deliver the following to the City Administrator and Commission:
  - a) A response to the statement of the charge(s).
  - b) The names of the witnesses who will be called on behalf of the employee and a general statement of the nature of their testimony.
  - c) Copies of the documents to be introduced.
11. Upon receipt of a written demand, the Commission shall conduct an investigation. The Commission may be represented in such investigation and a hearing by the City Attorney if authorized by the Mayor. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission for any such investigation and hearing.

The investigation shall consist solely of a review of the written submissions of the Mayor and employee to determine whether any individuals or documents should be subpoenaed by the Commission for the subsequent public hearing before the Commission ultimately to determine whether the Mayor acted in good faith for cause. Good faith for cause shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

12. The Commission shall schedule a hearing no less than ten, nor more than twenty, calendar days from the date of filing of the employee's written demand for an investigation. The Commission shall notify the City Administrator, the Mayor, and the employee, in writing, at least ten calendar days prior to the date of the hearing, of the date, time, and place of the hearing.
13. The Commission may affirm the action taken by the Mayor if such action is supported by a preponderance of the evidence. If the Commission finds that the removal, suspension, demotion, or termination was made for political or religious reasons, or for unjust cause, it shall order the immediate reinstatement or reemployment of such employee in the position or employment from which such employee was removed, suspended, demoted, or terminated, which reinstatement shall, if the Commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion or termination.
14. After the hearing, in lieu of affirming the removal, suspension, demotion, or termination, the Commission may modify the order of removal, suspension, demotion, or termination by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay. No later than ten calendar days after the hearing the Commission shall certify its findings in writing to the employee, City Administrator, and Mayor who shall enforce them.

**Sec. 6.60                      Procedure for Class II Disciplinary Action – Non-Civil Service Employees (Section 6.35).**

No employee in the City service who shall have been permanently appointed or inducted into City service shall be removed, suspended, demoted, or terminated, except upon the written accusation of their department head, City Administrator, any citizen, or taxpayer.

1.        Suspensions of Two Days or Less.

A department head, or the City Administrator, may suspend, without pay, any employee (other than one covered by Civil Service) for two days or less for cause, refer to 6.45. Prior to imposing the suspension, the department head shall meet with the employee to discuss the proposed action.

2.        Temporary and Immediate Suspension.

A temporary and immediate suspension may be effected when there is need to remove the

employee from the work place promptly because of a possibility of violence, disruption of work, insubordination, damage to property or persons, or if any employee is under the apparent influence of intoxicants or drugs, or for any other reason which requires prompt removal. A temporary and immediate suspension may be imposed by the City Administrator, department head, or immediate supervisor. A temporary and immediate suspension shall be with pay until such time as there is compliance with procedures established herein.

3. Suspension of More than Two Days and Demotions.

When a department head deems such action is necessary, appropriate, and in the best interest of the City service, a department head may recommend to the City Administrator an employee be suspended or demoted. The recommendation shall be in writing and shall contain the reasons why it is necessary for the department head to recommend suspension or demotion, and the type, plus the recommended duration of the suspension or demotion. The City Administrator, after reviewing all the facts, shall either approve, reject, or modify the recommendations of the department head. In the case of those employees over which the City Administrator is not the appointing authority, the City Administrator will forward both the City Administrator's and the department head's recommendations to the appropriate appointing authority. The appointing authority, after reviewing all the facts, shall either approve, reject, or modify the recommendations of the City Administrator. After the appointing authority has taken the appropriate action, the employee shall be notified in writing of the disciplinary actions and the reasons therefore. An employee may be suspended or demoted with or without pay for:

- a) A reasonable period of time, not to exceed 30 days when alternative personnel actions (demotions, dismissal, etc.) may not be warranted, appropriate, or deemed in the best interest of the City service.
- b) An indefinite period pending the investigation of charges leading to possible termination or where the employee is charged with and awaiting trial for a criminal offense. An employee may use a combination of up to 80 hours of accrued vacation or compensatory time per the approval of the City Administrator.

4. Dismissal.

Dismissal is the removal from the City service of a City employee. Either department heads or the appointing authority may initiate dismissals.

A City employee may be dismissed when alternative personnel actions, (i.e. verbal warning, written reprimand, demotion, or suspension) would not be considered sufficient or in the best interest of the City. All recommendations by department heads for dismissals shall be submitted to the City Administrator, who in turn will forward them, with the City Administrator's recommendation, to the appropriate appointing authority. All dismissals shall be made by the appointing authority who may modify a dismissal recommendation and impose an alternative disciplinary action other than a dismissal. The employee shall be given a written notice, at least one calendar week in advance, of the proposed effective date of the

dismissal. The notice of dismissal shall contain the reasons, statement on employee's rights, including the right to answer all charges in writing, and the right to a hearing.

5. Appeals.

Any employee suspended, demoted, or terminated may, within ten calendar days after such action or after receiving written notice of such proposed action, request in writing, a hearing by the appointing authority.

If the employee fails to respond within ten calendar days, the proposed action shall be effective on the date specified with no need for further action. If the employee requests a hearing, the appointing authority shall promptly set a date and time for the hearing and give the employee reasonable written notice. The employee shall be informed in the written notice of the employee's rights at such hearing, including the right to be represented. The appointing authority may conduct the hearing personally or may appoint a hearing officer for this purpose.

The hearing afforded by this section shall be informal in nature. The rules of evidence shall not apply. At the hearing, the appointing authority may consider and give such weight as he or she deems appropriate to written statements and reports which are offered in evidence, whether such statements are sworn or unsworn. The persons giving the statements need not be called as witnesses at the hearing unless otherwise ordered by appointing authority or the designated hearing officer. The appointing authority may permit, prohibit, or limit cross-examination of witnesses as he or she determines appropriate in his or her sole discretion, or may require that questions be put to witnesses through the hearing officer. There shall be no prehearing discovery unless the appointing authority or designated hearing officer determines in his or her sole discretion that good cause exists for permitting limited discovery. The employee shall be permitted to appear at the hearing and give testimony concerning the reasons given for the possible termination of his or her employment. The employee shall also have the right to be represented at the hearing.

After such hearing, the appointing authority shall carefully consider all evidence presented at the hearing before making a final decision and may reverse, modify, or confirm any disciplinary action taken or proposed. The employee will be informed in writing of such decision.

**Sec. 6.87 Performance Appraisals.**

It is the policy of the City that the job performance of each employee should be evaluated periodically by the employee's supervisor. However, it is the responsibility of the employee to speak up and request such appraisal from the supervisor if it is delayed at all. If prompt action is not taken by the supervisor, the employee is responsible to promptly request from their department head that the appraisal be completed.

1. Supervisors should complete performance appraisals upon the following types of occasions:
  - a) Prior to the annual salary review or on the anniversary date of employment.
  - b) Requiring terminating supervisor to do evaluations of all employees whose evaluations are due within 90 days.

If a performance appraisal has been completed within one month prior to one of the above occasions, a new appraisal need not be completed, except in cases involving discipline or termination. Between scheduled appraisals, supervisors should discuss with employees, on an informal basis, any performance issues (negative or exemplary) which warrant attention and should keep records of any significant incidents. Employees should retain a copy of all appraisals for appropriate later review.

2. Supervisors, in evaluating employees, should consider such factors as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include, but are not limited to, knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
3. Supervisors, in completing evaluations, should prepare a written appraisal of each employee's job performance, using a City Administrator approved form. Such an appraisal should include the supervisor's comments, recommendations, and performance goals for the next evaluation period. In an atypical evaluation, an alternate type of appraisal form may be more appropriate.
4. Department heads should review each supervisor's written evaluation to help assure the evaluation function has been properly completed in as fair and objective a manner as possible.
5. After the written evaluation has been reviewed by the department head, the supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the department head for review and approval. The form will then be forwarded to the Human Resources Director who reviews the appraisal form with the City Administrator before placing it in the employee's personnel file.
6. Employees, who have added written comments to their performance appraisal, but feel an additional communication is necessary, may request an interview with their department head or the Human Resources Director or implement the grievance procedure.
7. Information derived from the performance appraisal may be considered when making decisions affecting an employee including, but not limited to, decisions concerning training needs and opportunities, pay, promotion, transfer, or continued employment.

8. The procedures discussed in this policy are only guidelines. The City may unilaterally modify or revoke them in whole or in part from time to time. Accordingly, these procedures are not a promise or contract, express or implied, that they will be used in every instance.

The Human Resources Director shall then review the performance appraisal form and transmit it, with the appropriate comments, to the City Administrator for whatever action may be deemed necessary.

Should the employee receive an unsatisfactory performance rating, any pay increase the employee may be eligible to receive will be withheld until the employee receives a satisfactory performance rating, the employee will be reviewed again within three months. Any pay increase will only become effective after a satisfactory performance appraisal.

## CHAPTER SEVEN

### EMPLOYEE RESPONSIBILITIES AND CONDUCT

#### **Sec. 7.10 Behavior of Employees.**

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the City and for the benefit and safety of all employees. Conduct which interferes with operations, discredits the City, or is offensive to customers or fellow employees will not be tolerated.

1. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the City. Such conduct includes:
  - a) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time.
  - b) Giving proper advance notice whenever unable to work or report on time.
  - c) Complying with all City safety and security regulations.
  - d) Wearing clothing appropriate for the work being performed.
  - e) Maintaining work place and work area cleanliness and orderliness.
  - f) Treating all citizens and fellow employees in a courteous manner.
  - g) Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the City's best interests.
  - h) Performing assigned tasks efficiently and in accord with established quality standards.
  - i) Reporting to department heads, or in those cases where a department head is involved, to the Human Resources Director or City Administrator any suspicious, unethical, or illegal conduct by fellow employees, suppliers, or contracting organizations.
  - j) Treating their supervisors with respect and carrying out instructions to the best of their ability without delay or quarrel.
2. The following conduct is prohibited and will normally subject the individual involved to disciplinary action, up to and including termination.
  - a) Reporting to work with alcohol on their breath or under the influence of alcoholic beverages and/or illegal drugs and narcotics, or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs and narcotics on City premises unless such possession is a necessary part of the job assignment.

- b) Use of profanity or abusive language.
  - c) Possession of firearms or other weapons on City property unless authorized by the City Administrator or department head.
  - d) Insubordination of a lawful order or the refusal by an employee to follow management's instructions concerning a job-related matter.
  - e) Physical assault on a fellow employee or citizen.
  - f) Theft, intentional destruction, defacement, or misuse of City property or resources or of another employee's property.
  - g) Gambling on City property.
  - h) Falsifying or altering any City record or report, such as an application for employment, a medical report, a production record, a time record, an expense account, an absentee report, or shipping and receiving records.
  - i) Threatening or intimidating management, supervisors, security personnel, or fellow workers.
  - j) Use of tobacco products, if prohibited by local ordinance or City rules.
  - k) Horseplay, pranks, or practical jokes of a malicious nature.
  - l) Unauthorized sleeping on the job.
  - m) Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
  - n) Improper attire or inappropriate personal appearance.
  - o) Engaging in any form of harassment.
  - p) Violation of City policies on solicitation or distribution.
  - q) Improper disclosure of confidential information.
3. The examples in part (2) of 7.10 are illustrative of the type of behavior that will not be permitted, but are not intended to be an all-inclusive listing. Any questions in connection with this policy should be directed to your supervisor or the Human Resources Director.

**Sec. 7.20 City Property.**

Employees shall be responsible for the proper care and use of all City property entrusted or available to them. Employees damaging or losing City property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss. City equipment, keys, materials, and supplies shall not be used for private purposes and shall not be removed from authorized locations without proper supervisory approval. Employees leaving the City service shall return any tools, uniforms, or other City property issued to them before receiving their final pay.

**Sec. 7.25 Absenteeism.**

1. Unnecessary absences should be absolutely avoided. Employees are hired because they are needed to carry out the department workload, so unexpected and unnecessary absences disrupt the normal work routine. Often, other department employees will have to carry your workload in your absence.
2. Any absence, for any reason, should be reported immediately to the supervisor or the department head and the following information reported:
  - a) Specific reason for absence.
  - b) Expected time or date of return.
  - c) Always report any change in the time of return to the department head or supervisor.
3. Absence due to illness or injury must be reported each day, unless the employee and department head or immediate supervisor have personally agreed to a more extended period of time.
4. Chronic absenteeism will result in disciplinary action, including possible termination.

**Sec. 7.30 Assigned Vehicles.**

The City Administrator may assign City vehicles to department heads, and certain other employees for use during normal duty hours and for transportation between home and work. Such vehicles shall otherwise be used only for official purposes as determined by the City Administrator.

**Sec. 7.40 Secondary Employment.**

Employees may engage in outside employment which does not involve the use of City time, equipment, supplies, uniforms (in whole or part) and which does not create a conflict of interest with their City position, or which does not so fatigue the employee that it adversely affects their job performance. Before engaging in such employment, the employee shall notify their department head and annually thereafter on their anniversary date. The first such notification, which shall be in writing, shall include the place of employment, phone number of employer, a brief job description, hours of

employment, and such additional information the department head may require. Annually thereafter, the disclosure is to be written into the annual employee appraisal form.

If the department head believes any present or proposed outside employment violates Section 7.70, the department head may, after consultation with the City Administrator, require the employee to modify, not accept, or terminate such employment.

**Sec. 7.45                      Private Business Activities.**

Employees shall not engage in private business activities during their scheduled working hours and shall not use City property or facilities for such activities.

**Sec. 7.50                      Workplace Violence.**

The City is concerned about the increased levels of violence prevalent in our society and has taken affirmative steps to prevent incidents of violence from occurring in the workplace. All acts or threats of violence by any City employee against any other employee, client, contractor, vendor or visitor, on or off City property, is strictly prohibited. Violation of this policy can lead to disciplinary action, up to and including immediate termination.

If you observe or are aware of any workplace violence, threats of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, or other suspicious activity or incidents that have or could lead to violence in the workplace, you shall immediately bring the incident to the attention of your supervisor. If that is not feasible, would prove to be uncomfortable, or you are not satisfied with your supervisor's handling of the complaint, bring the matter to the attention of the department head. If none of these alternatives are feasible or do not address the problem, contact the Human Resources Director or City Administrator.

The City will promptly investigate all reports of actual or threatened workplace violence in as confidential of a manner as possible and take appropriate corrective action if warranted.

Under no circumstances will a department head or supervisor be allowed to intimidate or retaliate against an employee for making a report under this policy.

**Sec. 7.55                      Weapon-Free Workplace Policy.**

To ensure that the City maintains a workplace safe and free of violence for all employees and visitors, the City prohibits the possession or use of Dangerous Weapons on City Property or while performing City business except for sworn officers. A license or permit to carry or possess any weapon does not supersede City policy.

"City Property" is defined to include all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, green spaces and parking lots under the City's ownership or control. It also includes all City-owned or leased vehicles and all vehicles that come onto City Property.

"Dangerous Weapons" includes, but is not limited to, firearms, explosives, knives (other than those used to perform your duties at the City), swords and other weapons or objects that might be considered dangerous by the City or that are capable of being used to inflict severe bodily injury upon another. Employees are responsible for making sure that any item possessed by the employee is not a Dangerous Weapon.

**Because employees do not have a reasonable expectation of privacy with respect to their work at the City, the City reserves the right to monitor City Property and those present on City Property at any time.** This includes the right to conduct reasonable searches of all City Property, and all vehicles including such things as packages, containers, briefcases, purses, coats, bags, lockers, desks, computers, cell phones and enclosures present on City Property as well as persons entering upon City Property. As a condition of employment and as a condition for entering upon City Property, all employees and visitors are required to promptly submit to a reasonable search upon request as provided in this policy.

Any employee who violates this policy is subject to disciplinary action, up to and including termination. Any visitor who violates this policy will be denied access to the City Property.

**Sec. 7.60 Political Activity.**

Employees are free to vote and support candidates for public office as they may desire; provided they do not engage in political activities during their working hours or use City property to do so, city uniforms or facilities for such activities. All non-City political campaign buttons shall not be worn while an employee is on duty. No supervisor or other person in authority shall require an employee to support a candidate or political activity.

**Sec. 7.70 Conflicts of Interest.**

No employee shall engage in any activity or enterprise which conflicts or creates the appearance of conflicting with the employee's City duties or with the duties, function, or responsibilities of the City. The City Administrator or the Human Resources Director may prohibit particular activities which would create conflicts of interest in their specific organizational environments. Employees shall be encouraged to seek advance determinations regarding possible conflict of interest situations. The following employee activities shall generally constitute conflicts of interest and may in some cases also be criminal acts:

1. Engaging in any activity or enterprise involving the use of City time, facilities, equipment, materials, supplies, badge or other identification other than for City purposes.
2. Receiving or accepting money or other consideration from any person or entity other than the City for the performance of any service which the employee of the City would normally be required or expected to render or for preferential or favorable treatment in relation to others.
3. Having a direct financial interest in any contract with the City or a direct financial interest in the provision of equipment, materials, supplies, or services to the City, except as may be disclosed to and approved by the Mayor and City Council.

**Sec. 7.75                      Family and Friends in the Workplace.**

Employee's family and friends are welcome to visit the workplace, provided the visits are infrequent, brief and take place in a fashion that limits disruption to the workplace.

**Sec. 7.80                      Solicitation.**

It is the policy of the City to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

1.        The City limits solicitation and distribution on its premises because, when left unrestricted, such activities can interfere with the provision of City services, can be detrimental to employee efficiency, can be annoying to citizens (who are the customers of City services), and can pose a threat to security.
2.        Department heads are responsible for administering this policy and for enforcing its provisions. Employees will be subject to disciplinary action for violations of this policy (See Chapter 6).
3.        Persons who are not employed by the City are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers approved by the Human Resources Director), or engaging in any other solicitation or similar activity on City premises.
4.        The City Administrator may authorize a few fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives. However, employees are not to be discriminated against because of their willingness or unwillingness to participate.
5.        Employees are permitted to engage in solicitation or distribution of literature for any group or organization, including charitable organizations, only in accordance with the following restrictions:
  - a)        The sale of merchandise is prohibited on City premises unless approved by the affected department head.
  - b)        Solicitation and distribution of literature are prohibited during the working time of either the employee making the solicitation or distribution, or the targeted employee. The term "working time" does not include an employee's authorized lunch or rest periods or other time when the employee is not required to be working. All solicitation materials shall be provided in the breakroom for employees to review, during breaks or outside of working hours.
  - c)        Distribution of literature is prohibited in work areas at all times.

- d) The distribution of literature in such a manner as to cause litter on City property is prohibited.
  - e) Off-duty employees are requested not to return for the purposes of solicitation.
6. The City maintains bulletin boards to communicate City information to employees and to post notices required by law. These bulletin boards are for the posting of City information and notices only, and only persons designated by the department heads may place notices on or take down material from the bulletin boards.

**Sec. 7.81                      Email**

The City provides employees with electronic business communication tools, including an email system. This policy will govern acceptable use of this system, regardless of where such use occurs.

The policy applies to employees' use of desktop computers, laptops, smartphones, and other hand-held devices, whether provided by the city, owned by the employee or a third party. It applies to employees, independent contractors, interns, volunteers, consultants, agents and third parties including but not limited to suppliers and vendors.

Any employee who violates the email policy is subject to disciplinary action up to and including termination.

The email system is provided primarily for business purposes. Employees may use the City email system for limited personal use strictly in accordance with this policy.

Employees may use the email system to communicate with family, school, and other minimal personal dealings outside of City business. The time involvement should be short and require little more time needed than is available on breaks. Spending more than minimal time or sending a substantial volume of personal or private business email would be considered a violation of this policy. Other types of activities which would violate this policy would include soliciting money for causes or personal gain and campaigning for political causes or candidates.

The email system is the property of the City. All passwords, user IDs and messages created and transmitted are the property of the City. The City reserves the right to monitor all email transmissions conducted via the City computer system.

Employees have no reasonable expectation of privacy when it comes to the business and personal use of the City email system. All employee email messages (incoming, outgoing, and internal) can be monitored. The city reserves the right to monitor, inspect, copy, review, and store at any time and without notice any and all usage of the city's email system, and any and all files, information, software, and other content created, sent, received, downloaded, uploaded, accessed, or stored in connection with employee usage. The city reserves the right to disclose email text and images to regulators, the courts, law enforcement, and other third parties without the employee's consent.

Employees are prohibited from using the email system to engage in activities or transmit content that is harassing, discriminatory, menacing, threatening, obscene, defamatory or offensive. Therefore, it will be considered a policy violation to send, solicit, print, copy or reply to text or images that contain these types of offensive, harassing or discriminatory material.

Confidential, proprietary, and personal information must be protected. Unless so authorized, employees are prohibited from using the email system to transmit confidential information to outside parties. Confidential information includes but is not limited to, credit card numbers, social security numbers, employee performance reviews, employee medical information, passwords, and information expressly exempted from the Nebraska public records law.

If an employee receives email containing inappropriate or offensive material the following procedure should be used:

- a. If you know the sender, contact them immediately and instruct the sender to stop sending this type of material.
- b. If you do not know the sender, block the sender. If the blocking is not effective, contact the Computer Network Technician.

Passwords are the property of the City. Employees are expected to share current passwords and user IDs when requested. Unauthorized sharing of passwords and user IDs will be a violation of policy.

Email messages should be treated as business documents and created with care. Since these documents are not in your control, once they are sent, they can reflect positively or negatively upon the employee and the City.

Organization wide email messages must be approved by the appropriate department head before being sent. Employees are prohibited from sending email blasts (mass mailings) to external parties without appropriate department head approval. Employees are prohibited from requesting email replies to organization-wide email or external email blasts without permission from the appropriate department head and the Computer Network Technician.

## **Sec. 7.82                    Internet Usage**

The City provides specified employees with a network connection and internet access. This internet usage policy governs all use of the city's network, regardless of where such use occurs.

The city network and internet access is intended for business use. Employees may access the internet for personal use only during breaks and non-working hours, and strictly in compliance with this policy.

All information created, transmitted, acquired, downloaded, or uploaded via the City network and internet system is the property of the city. Employees should have no expectation of privacy regarding this information. The city reserves the right to access, read, review, monitor, and copy all messages and files on its computer system at any time and without notice. When deemed necessary, the city

may disclose text or images to law enforcement agencies, regulatory bodies, courts and other third parties without the employees' consent.

Upon legal order, an employee shall share passwords used on city computer systems.

Alternate internet service provider connections to the city internal network are not permitted unless expressly authorized by the city and properly protected by a firewall or other appropriate security device(s).

Files downloaded from the web may not be viewed or opened until scanned with virus detection technology. Employees are reminded that information obtained from the web is not always reliable and should be verified for accuracy before it is used.

Employees are prohibited from misusing the city network or internet access for activities such as:

- a. Downloading software without the express authority of the appropriate department head.
- b. Operating a business, usurping business opportunities, soliciting money for personal gain, or searching for jobs outside the city organization structure.
- c. Making offensive or harassing statements and/or disparaging others based on race, color, religion, national origin, veteran status, ancestry, disability, age, or sex.
- d. Visiting websites featuring pornography, terrorism, espionage, theft, racially offensive material or drugs unless authorized by the respective department head as a part of specifically ordered duties.
- e. Gambling or engaging in unethical activities or content.
- f. Participating in activities, viewing, or writing content with the intent to purposely harm the city organizational structure or malign an individual employee.

Department heads and supervisors are responsible for ensuring employee compliance with this policy. Employees who learn of policy violations should notify the appropriate Department Head or the Human Resources Director. Employees who violate this policy or use the city network or internet system for improper purposes will be subject to discipline, up to and including termination.

## **Sec. 7.83                    Social Networking**

### **1. Generally**

The City of Columbus takes no position on an employee's decision to start or maintain a blog or to participate in other social networking activities. However, it is the right and duty of the city to protect itself from unauthorized disclosure of confidential information and information expressly exempted from Nebraska's public records laws. The city's social networking policy includes rules and

guidelines for city-authorized social networking and personal social networking and applies to employees, committee members and elected officials.

Blogging or other forms of social media or technology includes but is not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the city.

Unless specifically instructed, employees are not authorized and therefore are restricted from speaking on behalf of the city. Employees may not publicly discuss confidential information or information expressly exempted from Nebraska's public records laws outside of city-authorized communications. Employees are expected to protect privileged data. For example, employees, vendors or clients are prohibited from disclosing personal employee and nonemployee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to citizen financial information, legal process information, and personnel issues.

Employees are cautioned that they should have no expectation of privacy while using the internet. Postings can be reviewed by anyone, including city staff. The city reserves the right to monitor comments or discussions about the city, its employees, vendors and contractors posted on the internet by anyone, including employees and non-employees. The city may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forum, and social networking sites.

Employees are cautioned that they should have no expectation of privacy while using city equipment or facilities for any purpose, including authorized blogging. The city reserves the right to use content management tools to monitor, review or block content on city blogs that violate city blogging rules and guidelines.

## **2. Authorized Social Media on behalf of the City.**

The following rules and guidelines apply to social networking and blogging when authorized by the city and completed on paid work time. The rules and guidelines apply to all employer-related blogs and social networking entries.

Only authorized employees can prepare and modify content for the City of Columbus website and/or the social networking entries located on the web. Content must be relevant, add value and meet at least one of the specific goals or purposes developed by the city. If uncertain about any information, material or conversation, discuss the content with the respective department head.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted by an authorized employee.

City departments are responsible for ensuring all blogging and social networking information complies with city policies and regulations. Department heads are authorized to remove any content that does not meet the rules and guidelines of this policy or that may be illegal or offensive. Removal of such content may be done without permission of the blogger or advance warning.

The city expects all guest bloggers to abide by all rules and guidelines of this policy. The city reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. The city also reserves the right to take legal action against guests or employees who engage in prohibited or unlawful conduct.

### **3. Social Media—Personal/Non-City**

The City respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear guideline to you as an individual and to you as the employee.

The city respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests, affiliations or other lawful purposes.

Bloggers and commenters are personally responsible for their commentary on blogs and social networking sites.

Employees are not to use city-owned equipment, including computers, company licensed software, or other electronic equipment, or productive work time to conduct personal blogging or social networking activities.

If an employee chooses to identify themselves as or is known to be a City of Columbus employee, then readers may view this employee as one who speaks for the City of Columbus. Therefore, it must then be stated that the views being expressed are personal and not those of the City of Columbus or of any person or organization affiliated or doing business with the City of Columbus.

Employees cannot post on personal blogs or other sites the name or logo of the City of Columbus or any organization with a connection to the City of Columbus. Nor may they post city documents or pictures which would lend the impression of official approval of these personal postings.

If contacted by the media about anything that relates to their employment or duties with the City, employees shall direct all such media inquiries to the respective department head.

#### **Sec. 7.84                      Cell Phone/Electronic Devices**

While at work, employees are expected to exercise the same discretion in using personal cell phones and electronic devices as is expected for the use of city phones. Excessive texting and personal calls during the work day, regardless of the phone or device used, can interfere with employee and department productivity and can be distracting to others. Employees are encouraged to text and make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of this policy.

Where workload needs demand immediate access to an employee, the city may issue a cell phone or other electronic device for work related communications or a fee arrangement may be made to have the employee carry their own cell phone on an agreed upon schedule. As requested, the employee may be asked to produce this cell phone or electronic device for immediate return or inspection.

All employees are expected to follow applicable state or federal laws or regulations regarding the use of cell phones or other electronic devices. Employees whose jobs responsibilities include regular or occasional driving as a part of the work day shall refrain from texting or using the keypad while driving. Safety must come before all other concerns. Bring the vehicle to a safe stop before texting or using the keypad of the cell phone or electronic device.

Where possible, hands-free equipment will be provided with city issued phones and other electronic devices to facilitate the provisions of this policy.

**Sec. 7.85                    Offices and Locker Facilities.**

Offices and locker facilities are provided for designated employees as a place to keep personal items while on duty and to have supplies readily available to perform necessary tasks.

Employees should check with their supervisor for the availability of lockers. Where lockers are not available, your supervisor will point out areas approved for keeping personal items while on duty.

To guard against insects and rodents, please do not store food or other material which may mildew or spoil in lockers, desks, or file cabinets.

Since the above described facilities are public and not private property, they can be subject to a search at any time. Employee should therefore have no expectation of privacy concerning the material stored in/on this city property.

**Sec. 7.90                    Change of Status.**

All employees shall report changes of address, telephone number, name and similar information to their respective department head and on to the Human Resources Department, as these changes occur. Municipal emergencies can occur at anytime and this data can be crucial to efficient operations. At the time of the annual appraisal, employees are to correct their changes of status mentioned above as a part of the appraisal process.

**Sec. 7.95                    Tobacco Use.**

The City desires to encourage all employees to abandon the use of tobacco products while serving the public. Therefore, tobacco use and vaping devices are restricted from all City owned buildings and vehicles. Employees may use tobacco products outside of city owned buildings and vehicles while they are on approved breaks, meal times and before and after the work shift. Tobacco use areas outside of each City building will be designated by the appropriate department head. Violation of this policy can lead to disciplinary action.

**Sec. 7.96**

**Drug and Alcohol Policy.**

The City has committed to the maintenance of a safe and productive work environment for its employees and to provide a drug free workplace. The City, therefore, has enacted the following Drug and Alcohol Policy.

1. Drug and Alcohol Policy Definitions:

- a) "Alcohol" - Any beverage that has an alcoholic content in excess of .5% by volume.
- b) "Drug" - Any substance, other than alcohol, capable of altering the user's judgment, perception, or mood, or of impairing the user's physical reactions.
- c) "Legal Drug" - Includes prescribed drugs and over-the-counter drugs which have been legally obtained, and are being used for the purpose for which they were prescribed or manufactured.
- d) "Illegal Drugs" means any drug which (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained. The term includes controlled substances including, but not limited to, marijuana, cocaine, PCP, LSD, heroin and other narcotics. The term also includes prescribed drugs, legally obtained, but not being used for prescribed purposes or prescribed drugs which were illegally obtained.
- e) "Reasonable Suspicion" means reasonable grounds to suspect that the employee is in possession of illegal drugs or alcohol, or that the employee is under the influence of or impaired by illegal drugs or alcohol. Reasonable suspicion is to be based upon specific observations concerning such things as appearance, behavior, or speech of the employee in question.
- f) "Under the Influence" means that the employee is affected by an illegal drug or alcohol or a combination of drugs and/or alcohol at any detectable level. The symptoms of influence may include, but are not limited to, impairment of physical or mental ability such as slurred speech, problems in maintaining balance, poor work performance, sudden mood swing, or radical change in behavior. A determination of influence may be established by a professional opinion or a scientifically accepted testing procedure.

2. Drug and Alcohol Policy Application

- a) The sale, purchase, transfer, distribution, manufacture, dispensation or unauthorized possession or consumption of alcohol on City property, or while performing City business is prohibited. This policy is not intended to preclude the consumption of alcohol at City-sponsored or authorized social functions, such as holiday parties, picnics, and the like.
- b) The manufacture, distribution, dispensation, sale, purchase, transfer, use, or possession of an illegal drug while performing City business, while on City premises

or at a City job site is prohibited. Reporting to work or working under the influence of illegal drugs or alcohol is prohibited.

- c) It is the responsibility of the employee to notify their supervisor if they are under the influence of a drug. Except as provided below, the use or being under the influence of any legally obtained drug by any employee while performing City business or while on City property is prohibited to the extent such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the City. An employee may continue to work even though under the influence of a legal drug, if City management has determined, after consulting with a physician or pharmacist, that the employee does not pose a threat to his or her own safety or the safety of co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action, including assignment to another job position, as determined by City management.
- d) Any violation of these rules may result in discipline up to and including termination.
- e) This Drug and Alcohol Policy is applicable to employees of vendors and subcontractors as well. Violation of these rules or refusal to cooperate with implementation of this Policy by such persons may result in being barred from City property.
- f) Compliance with the City's Drug and Alcohol Policy is a condition of employment. All new regular employees will be required to submit to the scheduled "post offer" drug and alcohol test.

### 3. Searches

- a) The City reserves the right to conduct reasonable searches of employees and employees of vendors and subcontractors for illegal drugs or alcohol on City premises and job sites, including, but not limited to, vehicles, desks, bags and work areas.
- b) Illegal drugs or alcohol discovered in the course of a search will be confiscated until ownership is determined. Where warranted, confiscated items will be turned over to appropriate law enforcement authorities.
- c) Refusal to cooperate in a search may result in immediate suspension, pending investigation, and may result in further disciplinary action, up to and including termination. Refusal to surrender contraband may also result in discipline, up to and including termination.

### 4. Testing of Current Employees

- a) Where the City has documented reasonable suspicion that an employee possesses or is under the influence of illegal drugs or alcohol, the employee may be required to take a urinalysis test. The employee may also be suspended without pay pending the receipt of test results and the completion of any investigation conducted by the City.
- b) The City may request or require current employees to undergo testing for drugs and/or alcohol without reasonable suspicion if the employee:
  - (1) has sustained a personal injury , even a minor injury where medical treatment was sought, or has been involved in an accident where another individual has sustained such a personal injury and accident; or
  - (2) has been involved in a work-related accident or exposure to bloodborne pathogens or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident where the accident results in property damage.

The Supervisor on duty at the time is responsible for contacting the Occupational Health Department to set up the testing and for transporting the employee to the Occupational Health Department for testing.

- c) Refusal of a request to take a urinalysis test may result in immediate suspension without pay pending investigation, and may also result in further disciplinary action, up to and including termination.
- d) If the initial test is positive, the laboratory will be instructed to retest the specimen for the substance indicated using a testing method approved by the Nebraska Department of Health before reporting a positive result to the City.
- e) A confirmed positive test will subject the employee to disciplinary action up to and including termination.
- f) In all cases of confirmed positive test results, employees will have the opportunity to explain the result, and to substantiate the explanation with medical evidence, which could include an additional confirmatory test of the same specimen.

## 5. Additional Testing Procedures

- a) All employees who agree to take a urinalysis test will be required to sign a form consenting to the test and authorizing disclosure of the results to the City.
- b) Specimen collection and urinalysis will be performed only by a qualified independent testing laboratory or health care provider designated by the City.

- c) The City will pay the full cost of any testing that is requested of any employee, as well as any confirmatory test requested by the employee, including the reasonable cost of any transportation to and from the designated testing facility.
6. Confidentiality
- a) Information obtained on an individual as part of a drug and/or alcohol test is strictly confidential and will be disclosed to only those persons within the City having a legitimate need-to-know. Such information will not be released to any individual or organization outside the City, without written permission of the employee, except as required or allowed by law.
  - b) Other information developed in investigating possible violations of this policy will be communicated to City personnel only on a need-to-know basis.
7. Rehabilitation
- a) Current employees testing positive will be suspended from work and, if termination is not undertaken, may be referred to a care unit/treatment facility. Refusal of treatment or failure to complete treatment will result in termination.
  - b) Employees who undergo treatment will be retested within 45 to 60 days of the initial test. A positive test and confirmation at that time will result in termination of employment.
  - c) Should the retest be negative, the employee will be allowed to return to work subject to periodic retesting during the duration of employment with the City. Any additional positive test and confirmation at any time will result in termination.
  - d) This policy of encouraging rehabilitation is not to be interpreted as conflicting with the rule above prohibiting manufacture, distribution, dispensation, use, or possession of illegal drugs or alcohol on City premises or while performing City business. In addition, if the City deems the circumstances warrant termination, without first offering rehabilitation, it reserves the right to take such action.

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on City premises, work sites, in City vehicles, or in personal vehicles parked on City property. However, there may be an occasional event that allows the dispensing of alcohol at specific City buildings with City Council approval. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the City's reputation in the community. Employees shall not use alcohol while on duty or within 8 hours of a regularly scheduled shift. Undercover officers are exempt when performing their assigned duties.

**Sec. 7.97                    Personal Finances of Employees.**

It is the policy of the City to require employees to meet and discharge their financial obligations in a timely manner.

1. Employees should manage their personal finances so they do not adversely impact job performance or the City's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City in terms of extra bookkeeping and the need to respond to and comply with court processes.
2. The City must disclose employee financial data as obligated under statutory requirements. Employees who become financially obligated to the City will be expected to enter into a written acknowledgement of the obligation at the time it is incurred. Such obligations could arise from pay or expense advances, breakage or shortages.
3. The Finance Department is authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Department is to notify the affected employee immediately, and then deduct the required amount from the employee's earning. The amount deducted, however, should not exceed that permitted by law.
4. No employee will be terminated because of the fact that their earnings have been subjected to garnishment for one indebtedness.
5. The City will not deny employment to, or terminate the employment of, any person solely because that person has filed a petition for bankruptcy.

**Sect. 7.98            Zero Tolerance for Unlawful Harassment.**

The City is committed to offering employment opportunity based on ability and performance, in a productive climate, free of discrimination. Accordingly, harassment of any kind by supervisors or co-workers will not be tolerated. In addition, the City will protect employees, to the extent possible, from reported harassment by non-employees in the work place.

In general, ethnic or racial slurs, jokes and other verbal or physical conduct relating to a person's race, color, age, sex, national origin, religion, disability, marital status, marital status, AIDS/HIV status, genetic information, or other class protected by applicable law constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work environment.

Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or other physical and verbal conduct of a sexual nature by supervisors or others of the same or opposite sex in the work place. Sexual harassment exists when:

1. Supervisors or managers make submission to such conduct either an explicit or implicit term

or condition of employment (including hiring, compensation, promotion, or retention); or

2. Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment-related decisions such as promotion, performance evaluation, pay adjustment, discipline, or work assignments.

Sexual harassment may also exist when co-workers (or non-employees, such as vendors, citizens) engage in such conduct, when the conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

If you believe that you are being harassed by another employee, supervisor or any other person in connection with your employment with the City, you should bring the incident to the attention of your supervisor. If that would prove to be uncomfortable or you are not satisfied with your supervisor's handling of the complaint, bring the matter to the attention of your department head, the Human Resources Director and/or the City Administrator.

If you still are not satisfied with the handling or outcome of your complaint, or if you feel more comfortable bypassing the other steps, take the matter to the Human Resources Director. The City will promptly investigate all allegations of discrimination and/or harassment in as confidential a manner as possible and take appropriate corrective action if warranted.

Under no circumstances will a manager or supervisor be allowed to threaten or retaliate against an employee who alleges harassment.

## **CHAPTER EIGHT**

### **SEPARATION AND REINSTATEMENT**

#### **Sec. 8.10            Separation.**

All separations of employees from positions in the Classified Service shall be one of the following:

1.     Reduction in force.
2.     Death.
3.     Dismissal.
4.     Disability.
5.     Retirement.
6.     Resignation.

Any employee who is separated for any of the above reasons will receive their final paycheck on the next regular payday following the effective date of their separation or by the end of the month of separation. In the event of the death of an employee, the final payment will be issued as soon as the legal beneficiary or beneficiaries are determined. Prior to final payment of any money due, all records, assets, and other items of City property in the employee's custody shall be transferred to the department head and certification to this effect shall be executed.

Department heads shall secure from each employee who is issued City equipment, or who has possession of City records or keys to City equipment or buildings, the following release:

"In the event of my separation from City employment, I hereby authorize the City of Columbus to withhold my final paycheck until such time as I have returned to the City all equipment, keys, and records issued to me and owned by the City. In the event any such equipment is damaged, I also authorize the City to deduct from my final paycheck the cost of repairs of such equipment."

In the event an employee has signed such a release and fails to return all city equipment, keys, and records, their paycheck may be withheld as allowed by Nebraska law and the employee's signed acknowledgment.

#### **Sec. 8.20            Resignation.**

An employee may leave the City service in good standing by submitting their resignation at least two weeks in advance of the effective date. Department heads must give four weeks' notice to leave in good standing. The City Administrator, for good cause, may waive any portion of the notice period.

An employee resigning without the required notice may have the act recorded as a part of their personnel records. The Human Resources Director or the City Administrator shall endeavor to conduct an exit interview with each resigning regular full time or part time employee to determine the reasons for the resignation, to solicit suggestions for improving operations and personnel management, and to determine whether prohibited discrimination was a factor in the decision to resign.

**Sec. 8.30                      Reduction in Force Policy.**

It is the policy of the City of Columbus to avoid, insofar as possible, reductions in force which might unduly impact any of its employees. However, it is recognized that financial constraints or changes in service requirements may require such reductions in force.

Therefore, in order to ensure optimum notice to the City's employees in the event of a reduction in force, the following policy is hereby established for all regular employees in positions in the classified service:

1. An employee will be considered to be in the position to which he was most recently appointed, promoted or demoted.
2. Those employees in training in positions in which reductions are mandated will be the first to be removed. An employee in training due to promotion has the right to request to be reassigned to their previous position, if such position is available and currently a part of the classified service. An employee must notify the City Administrator of their desire to be considered for reassignment to their previous position as provided in paragraph 6.
3. An employee who has successfully fulfilled the training period for their position will only be removed from the classified service after any employees in training in the same position have been removed and after being considered for reassignment, if promptly requested in writing, to a previous position. Such employee may also make a prompt request, in writing, to be considered for reassignment to a position for which they are qualified and which position is being held by an employee in training or is vacant.
4. The decision as to who will be removed from the classified service shall be based on factors, including, but not limited to, the following:
  - a) The employment policies and staffing needs of the City, together with contracts, ordinances, and statutes related thereto.
  - b) The multiple job skills possessed and recently or currently being performed by the employee.
  - c) The knowledge, skills, and abilities of the employee.
  - d) Efficiency of the employee as demonstrated on the job.

- e) The performance appraisals of the employee, including any recent, pending, or recurring disciplinary actions involving the employee.
- f) Required federal, state, or local certifications or licenses.
- g) Seniority.

These factors may be documented by employee evaluations, disciplinary actions, commendations, documented training, citizen reports, and other verifiable comments or data or a recommendation from the employee's department head.

5. An employee whose services are terminated under this Reduction in Force Policy will be entitled to two weeks written notice from the City. Such notice shall be delivered by the United States Postal Service, registered return receipt requested, to the employee's address on file with the Human Resources Department of the City, or personally served on such employee. If the employee is in a position subject to the Civil Service provisions of the State Statutes and City Ordinances, the City Administrator shall also give written notice to the Civil Service Commission by contacting the Secretary of the Commission.
6. An employee whose position has been eliminated or who is being replaced as the result of the reassignment of a regular employee whose position has been eliminated by such reduction in force in a classified position, may request to be considered for reassignment to a lesser classification. Such request shall be submitted in writing to the City Administrator within five working days of the notice of the elimination of the employee's position or the reassignment of such other employee. If such a request is made, the employee will be considered for such classification using the criteria provided in paragraph 4.

**Sec. 8.40 Ability to Perform Essential Duties.**

Employees who cannot perform the essential duties of their job, with or without reasonable accommodation, may be separated from employment. The City reserves the right to require medical examinations that are job-related and consistent with a business necessity.

**Sec. 8.50 Retirement.**

Whenever an employee meets the conditions set forth in the City's Pension Retirement Plan, the employee may elect to retire and receive all benefits of the plan.

**Sec. 8.60 Reinstatement.**

Eligibility for benefits such as vacation and service awards is figured from the hire date of continuous employment. It is recognized that due to personal or business reasons an employee may terminate their employment with the City. As an incentive to encourage these employees to consider reemployment with the City rather than another organization, procedures have been created for recognizing the past service accumulated before separation.

Those employees with less than a two year break in service, who resigned in good standing, may be reinstated, provided the person is qualified to perform the duties of the position and such reinstatement would be in the best interest of the City.

The pay rate will be at the same step in the pay range at which the employee left unless they are returning to a different job, in which case the Demotion or Promotion Policy would then apply. Benefit accumulation would resume according to the restored years of service; i.e., vacation rate. Those employees who were under the provisions of the 2006 reinstatement personnel policy, will retain their ability to the “five year” reinstatement provisions.

## CHAPTER NINE

### **EXPENSE REIMBURSEMENT POLICIES AND REPORTING PROCEDURES**

#### **Sec. 9.00 Expense Reimbursement Policies and Reporting Procedures.**

1. The City of Columbus shall reimburse actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers of the City at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the city limits, after attendance has been approved by the department head or City Administrator and is in the parameters of the Personnel Policy and the annual City budget. The reimbursement of expenditures shall be limited to:
  - a) Registration or tuition costs, fees, or charges.
  - b) Transportation as specified below.
  - c) Meals as specified in 9.30.
  - d) Lodging.

These expenses will be reimbursable up to the federal per diem rates for the locality of travel. The per diem rates for the national and the state are available in both the Human Resources and Finance Departments.

Expense vouchers must be completed in order to be reimbursed.

2. Authorized expenditures shall not include any expenses incurred by spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the City of Columbus and the expenses for the spouse are also preapproved.

#### **Sec. 9.10 Lodging.**

Except as otherwise provided herein, all hotel and motel reservations shall be made on a single-room basis only. Suites or similar accommodations shall not be used. When making reservations and at the time of registering, commercial or government rates, if available, shall be requested.

#### **Sec. 9.20 Transportation.**

For air travel, reservations shall be for coach class. If possible, an attempt should be made to arrange a commercial flight on a discounted basis. The employee will not be reimbursed for more than the actual cost of the flight ticket. Any special discount coupon or voucher received in connection with municipal trips for which the fare was paid or reimbursed by the City of Columbus, shall be returned to the City of Columbus for use, as applicable, in reducing cost of future trips paid or reimbursed by the City of Columbus.

Automobile transportation shall be arranged, whenever possible, to use City-owned vehicles. Personal vehicles may be used on City business only when there is no City vehicle available for the trip or when the use of a personal vehicle is approved by the department head.

If an employee elects to drive their personal vehicle when a City vehicle is available, the City will not reimburse mileage

Mileage for the required use of personal vehicles will be reimbursed at the specified Federal rate, as it may be amended from time to time, computed by the most direct highway route or an amount equal to the cost of regular, not discounted, coach air fare, whichever is less.

Rental cars shall be utilized on business trips only when transportation fares (taxi, bus, etc.) in that locale are less economical or pose a serious inconvenience. There shall not be more than one rental car for each four individuals on the same business trip. At all times an attempt shall be made to lease compact cars rather than larger sedans.

**Sec. 9.30 Meal Expense.**

Daily meal expenses incurred by an employee, Mayor, or City Council member in the process of performing duties for the City of Columbus are reimbursable with the following documentations:

1. Dates.
2. Amounts spent.
3. Business reason.
4. Names of persons or firms represented.
5. Name of city where meals occurred.

Reimbursement for alcoholic beverages is not allowed.

Employees may be reimbursed for meals incurred for only that employee's single meals. The employee shall be provided payment for individual meals based on Federal per diem rates.

The City Finance Director will announce future meal price adjustments as Federal Travel Regulations change.

When traveling out of state overnight, reimbursement will be made for all reasonable meal expenses provided receipts are presented for all meals.

For payment of the meal on overnight trips, the following guidelines apply:

1. In order to be reimbursed for breakfast, the claimant must leave Columbus before 7 a.m.
2. In order to be reimbursed for dinner, the claimant must return to Columbus after 6 p.m.

The above policy does not include meals which are served as part of the seminar, conference, or meetings.

Reimbursement will be made for meals which are a part of a seminar, conference, approved meeting; however, reimbursement will not be made in the event an employee elects to obtain a meal elsewhere when the meal is included in the registration fee for a meeting or seminar.

#### **Sec. 9.40 Expense Reports.**

Expense reports should be submitted at least monthly and be in compliance with the policies of the City of Columbus. Expenses shall be shown on the dates incurred. Each expense report shall be approved by a designated supervisor. Such approval shall be given by the supervisor after being satisfied the expense is City related, they are reasonable expenses, and the necessary documentation and supporting data are included. The Finance Department will audit to determine if the necessary documentation and supporting data are a part of the expense report and all information is correctly reported.

Expense reports without adequate documentation will not be paid in full. Only the expense report items with proper documentation will be paid. Items with insufficient support shall be deleted for payment later, after the needed documentation or written explanation is obtained. Correspondence regarding requests for additional documentation and all responses will be attached to the original expense report or resubmitted expense report.

#### **Sec. 9.50 Receipts.**

Receipts for expenses should be obtained to support a reimbursement request. Loss of a meal receipt or two will not endanger reimbursement. Receipts are required for the following items before expense reimbursement will be allowed:

1. All lodging expenses.
2. Rental cars (actual copy of rental agreement).
3. Registration fees at meetings or seminars.
4. Meals.

A receipt shall be the actual paid receipt received when paying for an expense incurred, a copy of a credit card charge, a copy of a customer receipt given to the employee by a firm providing services or goods to such employee, or a copy of a canceled check drawn payable to a specific payee. If a

receipt covers a combination of personal and business expenses, the business items must be clearly identified.

There are a few items that do not require receipts, such as tips associated with meals (no more than 18% of meal cost), taxi, limousine, local bus fares, parking expense in the course of a business trip, and telephone calls of a business nature when not placed via a City of Columbus telephone.

## **CHAPTER TEN**

### **RISK MANAGEMENT**

The City has appointed a Risk Manager and Risk Management Committee. They are responsible for the Risk Management Program as described in Resolution No.R90-20. It is the intent of the City that this group of employees help the City make a good faith effort to maintain a safe working environment by establishing programs and policies which encourage safety in the work environment and to abide by applicable laws and regulations.

#### **Sec. 10.00 Risk Management Responsibilities.**

##### **Risk Manager**

The Risk Manager is responsible for the development, organization, coordination and implementation of safety programs and safety education. Responsibilities also include work-site inspections, hazard reduction and/or elimination and accident/injury investigation, reporting and management. Other assignments and responsibilities related to disaster response and risk management complete the role of the Risk Manager.

The Risk Manager will advise the City Administrator as well as department heads, supervisors and employees of unsafe conditions, problems related to accident prevention and recommendations for loss control. The Risk Manager will not fulfill obligations of department heads or supervisors relative to providing safe work environments, necessary equipment, training, or inspections in the interest of accident prevention.

##### **Department Head**

The department head is responsible for fulfillment of departmental goals and objectives as well as health and welfare of each employee in the department. In the adopted safety policy, the highest priority has been placed on employee safety which becomes the responsibility of the respective department head. It is normal practice for department heads to delegate the authority to carry out safety policy in their department, but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.

##### **Supervisors**

Supervisors will assume the responsibility of thoroughly instructing their personnel in the safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors will act positively to eliminate any potential hazards within the activities under their jurisdiction and they will set the example of good safety practice in all phases of their endeavors. The principal duties of supervisors in discharging responsibilities for safety are as follows:

1. Enforce all safety regulations in effect and make employees aware that violations of safety rules will not be tolerated.
2. Make sure all injuries are reported promptly and treated properly and all accidents or unusual incidents are reported (preferably on the same work day) even if injury is not apparent.
3. Conduct thorough investigations of all accidents or incidents and take necessary steps to prevent recurrence, if possible, through employee safety education, operating procedures, or modification of equipment, facilities, or environment.
4. Provide employees with adequate safety instructions regarding their duties prior to the employees actually starting to work.
5. Make sure regular safety checks, including a careful examination of all new and relocated equipment are accomplished before it is placed in operation.
6. Assure equipment is properly maintained and issue instruction for the elimination of fire and safety hazards.
7. Continuously inspect for unsafe practices and conditions and promptly undertake any necessary corrective actions.
8. Develop and administer an effective program of good housekeeping and maintain high standards of personal and operational cleanliness throughout all operations.
9. Provide safety equipment and protective devices for each job based on knowledge of applicable standards.
10. Conduct safety briefings at organizational meetings and encourage the use of employee safety suggestions.
11. Give full support to all safety procedures, activities, and programs.

### **Employee**

Each employee, as a part of the comprehensive City of Columbus Risk Management Program, is expected to place safe work practices and identification of unsafe conditions as the highest priority while performing daily tasks. Each employee's safety commitment must include, but is not limited to, the following:

1. Using the safety equipment which has been provided for use in performing daily work assignments.
2. Wearing the prescribed uniform and safety shoes as required.
3. Only operating equipment for which training or orientation has been received.

4. Warning co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
5. Reporting defective equipment immediately to their supervisor.
6. Reporting dangerous or unsafe conditions that exist in the work place as well as throughout the municipality. This would include defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken basins and sewers, missing or damaged traffic signs or signals.
7. The employee or if appropriate, the supervisor records all injuries, accidents or incidents immediately, completing the incident report, on the same work day, regardless of severity. If due to severity of injury or illness the employee is unable to complete the form, it is the supervisor's responsibility to complete the form.
8. Record on an incident report form any unusual occurrences or incidents observed on the day they occur, as it may later pose a liability risk to the City, its workers, or the public.
9. Protection of unsafe conditions resulting from municipal work which could present a hazard to the public.
10. Taking care not to abuse tools and equipment so these items will be in usable condition for as long as possible, as well as to ensure that the tools and equipment are in the best possible operating condition while being used.
11. When required, the employee will maintain a commercial driver's license. The City will pay the amount of the license fee in excess of the cost of a normal driver's license fee.

#### **Sec. 10.04 Incident Reports.**

Incident Reports shall be filled out whenever a near injury, an accidental injury or exposure occurs including possible bloodborne pathogens. This report shall be sent to the Human Resource office as with all other incidents reports, normally within the same work day. These reports will be kept as a permanent part of the safety record.

#### **Sec. 10.05 The Cost of Accidents.**

Another area of major concern to supervisors is the cost of accidents. Many people fail to realize how much accidents really cost. Accidents are expensive in ways that are not obvious; therefore, attention to loss control can improve your department performance.

Accidents can cause obvious and direct costs, such as medical, hospital, rehabilitation expenses, worker's compensation payments, and higher insurance premiums or even loss of insurability. But there are other indirect costs that are less obvious, and usually uninsured. These include the various disruptions of normal work procedures, such as employees being witnesses or helping the injured, or even the reduction in production.

If the return on the investment is not sufficient, it may be necessary to defer the procurement of new equipment and facilities. Insurance covers only a portion of the total accident cost and as accident loss experience increases, so will a company's insurance premiums. It is clear that directly and indirectly, accidents reduce the funds available for salaries, employee benefits, new equipment, etc. Actually, the total cost of accidents is greater than many of us realize.

**Items in Indirect Cost:**

1. Time lost by others.
2. Cost of hiring and training a replacement.
3. Lost efficiency.
4. Overtime premium.
5. Cost to investigate the accident.
6. Report time.
7. Tools/equipment damage.
8. Lost equipment utilization.
9. Lost production time.

All of these reduce efficiency and represent another cost. There are many hidden costs due to accidents. Conversely there are hidden savings in accident prevention, which is the reason the phrase "Loss Control" is often used. Every accident you prevent saves direct-indirect accident costs and this money will remain in money available for wages and city services.

Other benefits of accident prevention efforts include:

1. People will not be injured or killed.
2. Property and materials will not be destroyed.
3. Production will flow more smoothly.
4. You will have more time for the other major parts of your job.

All employees will include "Loss Control" as a regular part of their job and expect to have this part of performance measured. Employees are expected to perform periodic safety inspections of the work areas for which they are responsible.

Safety and housekeeping inspections, and the problems you discover, are important but what you do about them is more important. If a problem can be rectified by your department, work to complete the appropriate task as soon as possible so the problem can be solved. Be sure to follow up, as needed, to see that the job is done. You may even find it necessary to have your supervisor help expedite the work by getting help from other departments. Completing an Incident Report provides a written record as a basis for determining the best way to solve hazards that are observed in your city department or another department.

## **Sec. 10.10                    Driving Rules and Regulations.**

All drivers of municipal vehicles, and those using their personal vehicles in pursuit of municipal business, will comply with all applicable laws of the state as well as any additional regulations of the municipality. Emergency vehicles under pressing emergency situations are exempted from the usual motor vehicle laws and rules but are required to exercise due caution and care in travel.

### **Parking**

1.     Municipal vehicles are not to park in "NO PARKING" zones except in emergency situations or in required performance of official duties. At those times a vehicle is parked in a "NO PARKING" zone, emergency blinkers will be turned on.
2.     All municipal vehicles should be locked when not in use at a remote location.
3.     Before initial use of any vehicle each day, the driver will walk around and inspect the vehicle for damage, inoperable lights, loose hardware, underinflated tires, or any other condition which may create an unsafe situation.
4.     Any deficiency encountered will be reported to their supervisor immediately. It will be the supervisor's responsibility to ensure that appropriate action is taken to correct the problem.

### **Equipment**

1.     All employees will wear seat belts as required by state law.
2.     Portable or detachable doors may not be removed from vehicles unless:
  - a)     It is a necessity in order to perform the job.
  - b)     Mirrors remain usable when the doors are off. Similarly, vehicle doors are not to be tied open.
3.     Turn signals will be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of their intent.
4.     Drivers will ensure windows, headlights, taillights, and windshield wipers are clean and operational at all times.

5. Tailgates will be up and locked when vehicles so equipped are in motion. If a vehicle's function requires that the tailgate remain in the open position, red flags will be attached to the materials being carried if they meet or exceed the length specified by State Law. (State Law requires flags on anything that extends over 4 feet from the taillight).
6. In any case, the driver of the vehicle is responsible to see that all necessary conditions are met on the vehicle before the driver operates it.
7. If the vehicle does not have a tailgate, but is loaded, the driver of the vehicle will ensure the load is secure on the truck and that overhangs are properly marked in accordance with applicable state and local laws.

### **Special Equipment**

1. Special equipment such as tractors, hi-lifts, high rangers, graders, plows, cranes, or any unit which has special devices added for specific types of work will require formal instruction prior to use by a driver. This special training will include the following:
  - a) Explanation and demonstration of all control devices.
  - b) Explanation and demonstration of all safety equipment.
  - c) Knowledge of maintenance items such as fuel, water, oil and other minimum operating needs of the unit.
  - d) Demonstration of operation.
  - e) New driver operation under supervision with testing.
  - f) Instruction in driving to and from, or on and off a trailer, parking procedures and method for securing.
2. Passengers will ride only in seats so designed for passengers on special equipment.
3. Triangular, orange-colored slow moving vehicle signs will be required to be displayed as per state law and, if sign is deployed, said vehicle will not exceed 25 mph.

### **General.**

1. Backing up vehicles without a clear view of the area back of the rear end will be done only with the assistance of a guide. If a second person is in the vehicle, that person will get out and guide the vehicle back using the appropriate hand signal and voice signal. If the driver is alone, the driver will get out of the vehicle and inspect the area behind the vehicle before backing. Again, strict caution is to be observed.

2. Riding on the sides, toolboxes, tailgates, or roof of any truck is prohibited. Further, standing in the back of any truck is not permitted.
3. Drivers will carry their state driver's license at all times. Loss of driving privileges may result in full-time drivers being temporarily reclassified if a position is available until such time as their driving privileges are reinstated or a temporary restricted permit is issued.
4. Employees who operate a City vehicle as a part of their job are required to report any suspension or revocation of their license to their supervisor who will in turn determine the future responsibilities of the employee. Failure of an employee to report a change in license status will result in disciplinary action.
5. Riding on running boards of trucks is strictly prohibited.
6. Except in authorized emergencies, posted speed limits will be strictly adhered.
7. Drivers should direct their full attention to driving. Inspections of streets, trees, signs, etc. may be made by a second person, other than the driver, wherever possible.
8. During periods of limited visibility, vehicle headlights will be turned on.
9. Trailers are to be fastened securely to hitches. Safety pins in pintle locks will be used. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.
10. All items to be transported either in a truck or trailer, which may move around during transport, will be secured.
11. No more than three (3) persons will ride in the front seat of any vehicle. Where only two single seats exist, there is to be only one rider per seat.

These rules may be updated periodically and may be amended as necessary.

**Sec. 10.15                    Procedures for Reporting Accidents and/or  
   Breakdowns of Municipal Vehicles.**

In the event an operator of a municipal vehicle is involved in an accident, the municipal Police Department should be called to the scene and required to prepare a report. If the accident should take place in another jurisdiction, the law enforcement agency of that jurisdiction should be called to the scene to make a report. The operator of the municipal vehicle involved in the accident should provide all the necessary identification and insurance information to the other party involved.

If a municipal vehicle is disabled as the result of an accident, or if a municipal vehicle breaks down and becomes inoperable, it shall be reported in accordance with department policy. When employees are covered by D.O.T. regulations, these federal policies should be obeyed, including steps for mandated drug testing.

Operators of municipal vehicles should be sure whenever a serious incident occurs, whether a breakdown, traffic accident, or vandalism, the responsible municipal department head should be immediately notified and an Accident Report be completed by the operator. Copies of all Accident Reports will be sent to the City Clerk's office, preferably during the same work shift.

**Sec. 10.20                    Safety Equipment.**

It is the municipality's intent to provide all necessary personal protective equipment required in performing routine operations. Protective equipment is provided to employees on an "as needed" basis. Each division sets protective equipment requirements depending on the activities of the jobs performed.

Requests for equipment not immediately available should be directed to the responsible supervisor. Failure to use available and required personal protective equipment is the employee's responsibility and ignoring this requirement can lead to the employee being subject to disciplinary action.

**Additional Safety Equipment**

Other protective equipment is provided in order to protect employees from unnecessary exposures. This includes barricades, cones, warning signs, warning lights, and many other specialty items. Consult with a supervisor or the Risk Manager for more information.

When working with power take-off shafts or chipping machines, no loose clothing should be worn. Reflective vests or cross straps are not required.

**Sec. 10.25                    Training.**

Each department has the responsibility of providing on-the-job training to each employee on the topics which will enable the employee to do their job safely and efficiently. This training shall include:

1.        Orientation of departmental and overall municipal safety and health rules.
2.        Procedure for reporting on-the-job injuries or unusual incidents.
3.        Procedures for processing hospital/medical bills related to job-related injuries.
4.        Worker's Compensation claims process.
5.        Requirements for use of vehicles.
6.        Reporting of unsafe conditions.

In addition, specialized training must be offered in the use of tools and equipment in order to maximize the capabilities of the equipment as well as to prolong its usable life and to prevent accidents.

All employees are expected to request instructions in those tasks or for any equipment with which they are not familiar.

**Sec. 10.30            Hard Hats.**

Hard hats will be worn by municipal personnel when involved in the following situations:

1.     Present, for any reason, on construction sites where hard hat signs are posted.
2.     In locations damaged by disaster, fire, flood or other cause which could result in structural damage or falling material.
3.     Persons working near high-voltage electrical hazards.
4.     All supervisors involved in the above-types of work.

**Sec. 10.35            Operations in the Public Way.**

Whenever operations are taking place in streets, parkways, sidewalks, or other places where citizens, as well as employees, may be endangered, the supervisor or crew leader on the work site is as responsible for the safety of the public in this type of operation as for getting the job done. The supervisor must spend ample time before, during, and after the work to protect employees and the public from the hazards created by this work. The following procedures are to be followed:

1.     If street construction or repair work is to be done, preparations will be made to assure vehicle and pedestrian safety before such work is allowed to begin.
2.     If traffic is affected by the operation, proper signing must be used to warn in advance of the work area. Traffic control signs, in and around the affected area, are to be correctly placed and maintained through the period when work is being performed and traffic obstructions exist.
3.     Where barricades and signs are used overnight, supervisors will examine the work area for proper placement at the end of the workday.
4.     Lighted barricades will be used whenever possible for overnight protection.
5.     Where traffic must be periodically stopped or obstructed by workers or equipment in the traveled portion of a roadway, protective cones will be stationed.
6.     All City employees in or near the roadway will wear regulation safety green clothing, vests, or cross straps on their clothing while at the work site.
7.     If a construction site is barricaded where no traffic can pass into the work area, vests need not be worn.

8. Flagmen will be used to slow or direct traffic where the approach to the work area does not provide adequate visibility to drivers.
9. In any case where streets are significantly obstructed or closed for any period of time, the Police Department and Fire Department will be notified of the situation and told approximately how long the closure will be in effect. Police and Fire operations may vary significantly due to the nature of the services they provide.

### **Pedestrian Safety**

1. If pedestrian traffic is impeded by official municipal barricades, then restrictive tape, rope, or other restraint will be used to keep the public from the work site.
2. If pedestrian traffic must be routed off sidewalks and into the street, then protection will be provided by cones, barricades, and signs to guard from vehicular traffic.
3. Holes in the sidewalk or parkway which must be left open will be covered whenever possible along with perimeter protection. Every possible means of preventing accidental entry into the hole should be used. Keep in mind that darkness and snow can complicate this situation.
4. Where an unusual situation exists which cannot be easily resolved, or when personal injury or damage to equipment or property occurs as a result of operations, contact the responsible supervisor and the Risk Manager immediately.

### **Sec. 10.40 Office Safety.**

Office work is more dangerous than is commonly supposed and many accidents occur during ordinary office routine.

1. Every employee shall be responsible to see that their own desk and work area is clean and orderly. Pick up items such as pencils or paper clips that are strewn around. Good housekeeping is the key to a safe office environment.
2. Keep an eye open for loose or threadbare floor coverings.
3. Be extra cautious when you come up to a door that can be opened in your direction. Take it easy when pushing open such a door and slow down when coming to a "blind" corner.
4. Haste when walking between desks can result in bruises and falls. Keep electrical cords out of aisles.
5. All file, desk, and table drawers shall be kept closed when not in use. As soon as you leave them, close them. Never open more than one file drawer at a time.

6. Overloading the top drawer of unsecured file cabinets has caused many an injury. If unfamiliar with file cabinets, test the drawers and be careful not to pull them out to full extension. There may be no locking device on inexpensive or older models.
7. Office tables, desks, and chairs must be maintained in good condition and free from sharp corners, projecting edges, wobbly legs, etc.
8. Tilting chairs can be hazardous when improperly used. Care should be taken to assure that they are in good working condition.
9. Never use chairs, desks, or other office furniture as a makeshift ladder. Always use a stepladder. Don't overreach and lose your balance.
10. Message spindles can all too frequently cause puncture wounds to hands and arms. When used, the point shall be protected by a suitable blunt cover or, preferably, the point should be bent to a horizontal angle.
11. Keep the blades of paper cutters closed when not in use.
12. Scissors, paper cutters, and similar office devices can easily cause minor, but painful injuries. Report such injuries at once and take precautions to avoid infection.
13. Keep your hands clear of electric typewriter carriages.
14. Paper cuts hurt. Use a sponge or wetting devices for envelopes. Use rubber finger guards when working with stacks of paper.
15. Keep paper clips, thumb tacks, and pins in a place where they can't injure you. Keep razor blades and "exacto" blades covered; even a little scratch can get infected.
16. Be sure all electrical equipment is grounded and the cord is in good condition. If a machine gives you a shock or starts smoking, unplug it and report the defective device immediately to the supervisor.

#### **Sec. 10.45            Ladders and Scaffolding.**

Mishaps involving electricity and falls from high places result in the two most critical types of injuries involving ladders and scaffolding. Other hazards include: splinters, slivers, and slips which can cause sprains, strains, bruises, and abrasions.

The following safety procedures will prevent accidents and possible injury:

## **Ladders**

1. Metal ladders shall not be used in the vicinity of electrical circuits.
2. Periodically inspect wooden ladders. They shrink over a period of time. In a stepladder, this may cause steps or back bar members to become loose. Hold the rods beneath the steps with pliers and tighten the nut at the end with a wrench to maintain strength and keep the ladder steady.
3. Wooden ladders or scaffold planks should not be painted because defects may be covered up. Use a good grade of spar varnish or a mixture of linseed oil and turpentine to preserve the wood.
4. Nonskid feet should be used on all straight and extension ladders.
5. When properly placed, the feet of the ladder should be about one-fourth as long as the vertical (i.e., if the ladder is leaned against a wall eight feet high, the feet should be set two feet from the wall.)
6. When using a straight ladder, it should be long enough to extend at least three rungs above the level to which the user is climbing. Step ladders must not be used in lieu of straight ladders. They are not designed for this purpose.
7. If the feet of a straight ladder are to rest on an unsecured surface, secure the ladder in position by the use of hooks, ropes, spikes, cleats or other anti-slip devices or by stationing an employee at the base of the ladder to hold it in position during use.
8. Never stand on the top step of a step ladder.
9. Only one person shall be on a ladder at a time.
10. Never carry articles in hand while climbing. Use a hand line to raise and lower tools and materials or suspend them suitably in a tool belt.
11. Always face a ladder when ascending or descending and always use both hands.
12. Clean muddy or slippery shoes before beginning to climb the ladder.
13. Keep the rungs clean and free of grease, oil, and caked-on dirt.
14. If it is necessary to place a ladder near a door or where there is potential foot traffic, set up warning signals or take other precautions to prevent accidental contact which might upset the ladder.

## **Scaffolding**

1. Proper supervision is required to erect scaffolding.
2. Planks and other material used in building scaffolding must be sound and free from knots. Keep planks in good condition. Never paint the planks.
3. Planking should be adequately cleated; scaffolding used for work over 10 feet off the ground should have toe boards, mid-rails and handrails.
4. Tools left on top of the scaffolding can easily fall to the ground and injure a passerby. Keep tools in a bucket or box lashed to the scaffolding.

### **Sec. 10.50 Use of Head Sets or Earbuds.**

As a general policy, the employee use of personal headsets or earbuds while operating machinery will not be permitted. Hearing protection devices will be provided as needed.

### **Sec. 10.55 Working in Cold and Hot Weather.**

This should serve as a guideline for assessing whether or not non-vital services should continue to be performed during periods of extremely cold or hot weather. While this information may not be relevant to all municipal departments, the data provides good personal information and should be shared with employees for their use.

Wind chill factors were developed by the military to determine the effects of combining wind and temperature as they affect exposed skin surfaces. Wind chill effect does not cause liquids to freeze when the air temperature is above the freezing point. However, when the air temperature is below freezing, wind effect will speed up the freezing process.

The National Weather Service has devised the "Heat Index", which is an accurate measure of how hot it really feels when relative humidity is added to the actual air temperature.

There are going to be situations where no condition of weather will force work to be stopped. These situations include police and fire service, sanitation services, and emergency responses by any personnel to situations which arise as a result of this severe weather. Bear in mind, however, that nonessential services within emergency response departments should be considered for curtailment during extreme temperature or wind chill periods. The procedure for evaluation of particular jobs will be as follows:

1. Assess the necessity of performing the particular task at the time.
2. Assuming the task must be done, determine if the employees are properly dressed and protected from the elements.

3. Determine what method the employee will have available to get warm or cool periodically while the task is being performed.
4. Consult a Wind Chill Chart and determine the wind chill equivalent. If the chill factor is in the "Danger" zone, special clothing is required and protection from the effects of the chill must be considered and used. Likewise, check with the National Weather Service to determine the heat index.
5. If the chill factor is in the "Great Danger" zone, or the heat index is at an extremely "High" level, only life and health safety tasks will be considered.
6. In the "Danger" zone, certain tasks may be impossible due to wind or temperature alone. However, the general policy for non-life safety tasks will be that cold weather considerations will be implemented anytime the reported wind chill falls below -25 degrees or the heat index is above 130 degrees.
7. Individual municipal departments may establish separate conditions, based on wind chill or heat index factors as they affect specific tasks.
8. Any questions or circumstances that arise regarding this policy should be directed to the Risk Manager.

#### **Sec. 10.60 Hazardous Communications Policy.**

The City of Columbus wants employees to be able to work safely and effectively on their jobs.

As a part of this goal, the City wants employees in each department to know the chemical products in their department and how to best work with these chemicals. Each department should assemble an information file on those chemicals used, and especially those chemicals that might be designated as hazardous. Each department should also make sure the chemicals in their department remain properly labeled.

These records will be reviewed at least annually by our insurance company Loss Control Specialist and/or a Risk Management team member and then reported annually at the first Risk Management meeting of the year.

Whenever employees are using a chemical agent for the first time, they should review their proposed handling of the product with their supervisor to assure proper procedures will be followed.

As new chemicals are added to a department's inventory, the department should obtain information (Safety Data Sheets) from its supplier and make sure the new product has complete labeling on each storage container. If the SDS sheet requires protective equipment for safe handling, each department is to have the necessary equipment available.

Should an accident or unusual reaction occur with a department chemical, report it to your supervisor and complete an Accident/Incident Report.

A supplementary publication, "**Hazards in the Workplace: YOUR RIGHT TO KNOW**" booklet, is available in each department to help employees learn how labels and SDS information can help them to work with knowledge and sensitivity.

### **Sec. 10.65 Bloodborne Pathogen Policy.**

The purpose of the Bloodborne Pathogen Policy is to limit occupational exposure to blood and other potentially infectious materials. This policy will provide a review on infection control. It is the City's intent, as far as is possible, and within the scope of current knowledge, to protect all concerned parties from accidental exposure to the viruses that cause Hepatitis B, Acquired Immune Deficiency Syndrome (AIDS) and other blood communicable diseases.

#### **Infectious Materials**

1. Blood products (plasma).
2. Vaginal secretions.
3. Fluids surrounding the spine, brain, heart, lungs, abdomen and joints.
4. Amniotic fluid.
5. Semen.
6. Any other body fluid containing visible blood.
7. Body tissue.

Hepatitis B virus attacks the liver and is the major infectious bloodborne hazard faced on the job.

HIV attacks the immune system, making the body less able to fight off infections, causing the disease known as AIDS.

#### **Universal Barrier Precautions**

These devices and procedures should be used by anyone coming in contact with blood or bodily fluids, whether it be direct contact, splashing, clothing exposure, or working with medical instruments.

1. Waterproof gloves should be worn when handling items soiled with blood, body fluids, tissues or equipment contaminated with blood or other body fluids.
2. Waterproof gowns or plastic aprons shall be worn when performing procedures that may bring contact with body fluids.

3. Hands shall be washed thoroughly and immediately if they accidentally become contaminated with blood or potentially infective body fluids. Hands should be washed even when gloves have been used.
4. Masks and/or protective eyewear should be worn if aerosolization or splattering is likely.
5. Contaminated materials should be double bagged and marked as containing biohazardous material and then transported to the Fire Department for disposal.

### **Clean Up**

When an area is possibly contaminated by blood or body fluid containing blood such as emesis, care should be taken to sop up the liquid with paper toweling (using universal precautions). The area should then be cleaned with a disinfectant such as clorox (one part clorox to ten parts water). Secondary cleaning may then be conducted as needed. Double bag and tag all such sopped materials.

### **Hepatitis Vaccination**

For employees who are expected to come in contact with blood and body fluids containing blood, as a part of their job duties, vaccinations for Hepatitis B may be required at City expense. The determination of which employees fit this category is decided on a department by department basis.

### **Workplace Infections**

People infected with a bloodborne pathogen like AIDS or Hepatitis can sometimes appear to be in good health. Therefore it is better to assume blood or blood-contained body fluids are infected than to act carelessly.

Fortunately, AIDS and Hepatitis B aren't spread through the air like cold or flu germs. You won't get either disease from working alongside someone who is infected or from casual contact.

You can become infected at work by:

1. Accidentally cutting yourself with a sharp object that is contaminated with infected blood or body fluids.
2. Getting infected blood or body fluids on your skin, especially if your skin has open sores, nicks or cuts.
3. Getting contaminated blood or body fluids in the mucous membranes of your eyes, nose or mouth.

Normally, your skin acts as a protective barrier to keep viruses out. But even tiny breaks or cracks in the skin from common conditions like dermatitis, acne, chapping and broken cuticles can be doorways for these bloodborne viruses to enter your body. More restrictive or less restrictive guidelines may be adopted within specific departments to accommodate unique work situations.

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## ACKNOWLEDGMENT FORM

I acknowledge receiving a copy of the ~~2010-2019~~ 2020 City of Columbus Personnel Manual. I understand that I must ~~immediately~~ read it or have it read to me carefully. I understand this Manual supersedes all prior versions. I recognize that I must ~~immediately~~ understand all of its rules, policies, terms and conditions, and agree to abide by them, realizing that failure to do so may result in disciplinary action and/or termination. I understand that upon termination of my employment for any reason, I must return all City materials, property and equipment issued to me and pay the City any money that I may owe and agree that upon my failure to promptly do either of these the City can withhold corresponding amounts from my final paycheck and take whatever legal action is necessary to recover such. **I understand and agree that unless I am covered by the Civil Service System (which has its own set of statutes and regulations), my employment is terminable-at-will, so that both the City and I remain free to choose to end our work relationship at any time. Similarly, no City official has the authority to enter into an oral employment contract, and only the ~~City Administrator or~~ Governing Body can enter into a written employment contract on behalf of the City.**

I understand nothing in this Manual in any way creates an express or implied contract of employment between the City and me, but rather is intended to foster a better working atmosphere while the employee/employer's relationship exists.

---

**Employee's Signature**

---

**Date**

---

**Employee's Name (Printed)**

---

---

~~Witness Signature~~

**THIS IS NOT A CONTRACT FOR EMPLOYMENT. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS A PROMISE OF ANY TERM OR CONDITION OF EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, CONTINUING EMPLOYMENT. THE CITY OF COLUMBUS RESERVES THE RIGHT TO MODIFY OR REPEAL ANY PROVISION OF THIS HANDBOOK AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT PRIOR NOTICE.**

## **CHAPTER ONE**

### **PERSONNEL MANAGEMENT SYSTEM**

#### **Sec. 1.10 Purpose.**

The personnel management system of the City of Columbus, of which this manual is a part, is designed to instill a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices. The purpose of this manual is:

1. To inform employees of their rights and obligations in relation to their employer; but not to provide any legal or contractual rights not otherwise provided for, and shall not be construed as a contract of employment.
2. To inform department heads, and other supervisors of their obligations toward and their rights to assign and instruct subordinate employees.
3. To ensure compliance with all applicable laws.
4. To promote and increase efficiency and responsiveness to the public, and to promote economy in the City service.
5. To provide fair and equal opportunity for a qualified person to enter and progress in the City service based on merit and fitness as ascertained through fair and practical personnel management methods.
6. To enhance the attractiveness of City careers and encourage employees to give their best efforts to the City and the public.
7. In the event of conflict between this manual and state or federal laws, such state and federal laws shall prevail.

#### **Sec. 1.20 Coverage of the Rules.**

These rules shall apply to all departments, divisions and employees of the City except in cases of conflict with applicable state or federal laws or regulations or with the rules of the City of Columbus Civil Service Commission as statutorily applicable. An employee is defined as any person who has been appointed/hired to a position of employment on the City payroll, excepting any person serving on a retainer contract basis. Benefits conferred to employees in this manual may be different if the employee is covered by a City-recognized Collective Bargaining Agreement. These changes will be described in the approved Collective Bargaining Agreement.

**Sec. 1.30 Adoption of the Manual.**

This manual shall become effective when adopted by the Mayor and City Council, whereupon all conflicting rules, regulations, policies, or procedures previously adopted by the Mayor and City Council or by administrative directive shall be superseded, to the extent of the conflict.

**Sec. 1.35 Amendment of the Manual.**

Written suggestions for amending this manual are welcome at any time from City employees and should be submitted, through supervisory channels, to the City Administrator or the Human Resources Director. Amendments shall become effective upon approval by the Mayor and City Council. ~~THIS IS NOT A CONTRACT FOR EMPLOYMENT. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS A PROMISE OF ANY TERM OR CONDITION OF EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, CONTINUING EMPLOYMENT. THE CITY OF COLUMBUS RESERVES THE RIGHT TO MODIFY OR REPEAL ANY PROVISION OF THIS HANDBOOK AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT PRIOR NOTICE.~~

**Sec. 1.40 Availability of the Manual.**

Each regular employee shall receive and maintain a copy of this manual.

**Sec. 1.50 Supplemental Personnel Regulations.**

Department heads may establish such supplemental personnel regulations as are necessary for efficient and orderly administration and for ensuring the proper conduct and discipline of their employees.

Supplemental personnel regulations shall be subject to approval by the City Administrator and shall be consistent with these rules, other requirements of the Mayor and City Council, and administrative directives. Copies of supplemental personnel regulation shall be made available to employees in their departments.

**Sec. 1.55 Employment at Will.**

An employee has freely chosen the opportunity of employment with the City. It is understood the employee has a continuing right to leave or stay as they choose. The City reserves those same rights to maintain or terminate the employment and compensation of employees as needs require. The City also reserves the right, except as to those employees who are protected under the Civil Service System, to terminate the employment and compensation of employees as needs require, and to do so

with or without cause.

The City of Columbus, by decision of the Mayor and City Council, agrees to follow the process for dismissals and disciplinary actions as outlined in the Personnel Rules and Civil Service Rules that are applicable to those regular employees who have successfully completed their introductory period. However, these policies in no way shall be construed to create a contractual employment relationship between the City of Columbus and its employees. Furthermore, the City of Columbus shall have no tenured employment agreements with any employee or organized employee group.

This manual is not a contract of employment, nor shall it be construed as creating any contractual rights or property interest in favor of City employees. Nothing contained in this manual or in any other statement of City philosophy, including oral statements, should be considered a promise of continuing employment.

**Sec. 1.60 Definitions.**

The following definitions shall apply in these regulations, unless the context clearly indicates otherwise:

**Absence Without Leave.** An absence from duty which was not authorized or approved.

~~**Affirmative Action**—The practice or policy of favoring individuals belonging to groups known to have been discriminated against previously.~~

**Appeals.** Procedures as described by these regulations for appealing disciplinary actions, employee-evaluations and other individual grievances.

**Applicant.** An individual who has applied in writing on a City application form for employment with the City of Columbus.

**Appointment.** The offer to and acceptance by a person of a position either on a regular or temporary basis.

**Appointing Authority.** The person or persons who are authorized to offer employment in the City's classified service. For the City Administrator, City Clerk, City Engineer, Finance Director, full-time paid firefighters, Fire Lieutenants, Fire Chief, Assistant Fire Chief, Fire Training and Safety Officer and sworn members of the police force, it shall be the Mayor and City Council. For all department heads, other than the City Clerk, City Engineer, and Finance Director, it shall be the City Administrator, Mayor, and City Council. For the Library Director, it shall be the Library Board. For all other employees it shall be the City Administrator.

**Chain of Command.** The chain of command is the formal line of authority, communication, and responsibility within an organization. The chain of command is usually depicted on an organizational chart, which identifies the superior and subordinate relationships in the organizational structure. According to classical organization theory the organizational chart

allows one to visualize the lines of authority and communication within an organizational structure and ensures clear assignment of duties and responsibilities. By utilizing the chain of command, and its visible authority relationships, the principle of unity of command is maintained. Unity of command means that each subordinate should report to one and only one superior. Unity of command is crucial to productive work schedules, the maintenance of a prioritized work schedule, and productive communications. It would therefore be expected that communications and requests for service flow both ways through chain of command.

**Civil Service Employee.** Civil Service employees employed by the City of Columbus shall be designated by the definition in Revised Statutes of Nebraska, Sec. 19-1829.

**Compensatory Leave.** Time off from work in-lieu of monetary payment of overtime worked.

**Demotion.** Assignment of an employee from one title to another which is a lower rate of pay and/or rank.

**Department Head.** A person trained to manage a specific area of City government such as Police, Library, etc. Department heads are responsible for the general operation of the department and ensuring adequate performance levels from employees. Department heads shall have full responsibility to recommend any personnel actions in accordance with the authority delegated to them by the Appointing Authority. All actions by department heads within their department are accountable to the City Administrator.

**Disciplinary Action.** Action taken by a supervisor, department head, or the City Administrator whenever an employee's performance, attitude, work habits or personal conduct fall below a desirable level.

**Dismissal.** A type of disciplinary action which separates an employee from the City payroll.

**Employee.** An individual who is legally employed by the City in one of the categories listed below and is compensated through the City payroll. An employee may be defined as follows:

- a) Regular, full-time. This person is expected to work an average of ~~40~~ 30 hours per week for the 6 months during their introductory period before obtaining the regular status in their assigned classification, except in the case of firefighters and fire lieutenants whose work period shall be an average of 106 hours in a 14 consecutive day period.
- b) Regular, part-time. This person may be employed on a regular schedule of less than ~~40~~ 30 hours per week and will normally work at least 1,000 hours throughout a year.
- c) Temporary and Seasonal. This person may be employed for any number of hours per week in positions declared to be seasonal or temporary in nature and will not normally work more than 1,500 hours per year. This person may be assigned to a classification temporarily vacated by a regular employee while on military duty or other authorized absence.

d) The Temporary employee shall not include:

Elected officials and persons appointed to fill vacancies in elective offices, members of appointive boards, commissions or committees, the city attorney, consultants, advisors, and counsel rendering temporary professional service, independent contractors, emergency employees who are hired to meet the immediate requirements of an emergency condition and volunteer personnel, and also all other personnel appointed to serve without compensation.

**Employee Counseling.** The act of assisting employees to become more effective on the job. Relates to employee evaluation and employee improvement.

**Employee Development.** The interaction of employee counseling, employee evaluation and employee improvement.

**Employee Evaluation.** The system of evaluating employees' performance. Relates to employee improvement and employee counseling.

**Employee Improvement.** All types of training and educational programs that improve the quality of service of the employee and improve his/her chances for advancement. Relates to employee evaluation and employee counseling.

**Examination.** The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

**Grievance.** An employee's feeling of differences, disagreements or disputes arising between an employee and their supervisor relative to some aspect of their employment, application, or interpretation of regulations and policies or some management decision affecting the employee.

**Hire Date.** The date upon which employment started with the City of Columbus for a specific employee. This date will be adjusted to exclude leave of absence without pay. This is the date upon which vacation accruals are based.

**Immediate Family.** Spouse, children, brothers and their wives, sisters and their husbands, mother, father, grandparents or grandchildren. Spouse's children, parents, grandparents, brothers and their wives, sisters and their husbands or grandchildren

**Introductory Period.** See policy 2.95 for definition.

**Job Description.** A written description of a job consisting of a title, a general statement of the level of work and of the distinguishing features of work, examples of duties and qualifications for the Job Title.

**Job Title.** A group of positions which are sufficiently alike in general duties and

responsibilities to warrant the use of the same title, class specifications and pay range.

**Lay-off.** The involuntary non-disciplinary separation of an employee from a position because of shortage of work, materials, or funds.

**Leave.** An approved type of absence from work as provided for in this manual.

**Merit/Periodic Pay Increases.** A merit increase is compensation within the confines of the pay scale established in the Pay Plan. It may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

**Merit Proficiency Date.** This date is generally when the employee completes their first 12 months of employment. It is the date used to mark annual performance evaluations. Each year the employee should have their evaluation during the two-week pay period which contains this date, when possible. The merit proficiency date will change with any change in pay grade or unpaid leave of absence.

**Military Leave, Reserve.** A leave of absence for military service performed during their employment as required by applicable state or federal law. An eligible employee's rights to reemployment after military leave will also be governed by applicable law.

**Overtime.** Authorized time worked by an employee for overtime work performed in accordance with Federal and State Regulations and this manual.

**Promotion.** Assignment of an employee from one Job Title to another which has a higher rate of pay and rank.

**Reclassification.** The action of changing a position by classifying it upward, downward or to a different classification on the basis of sufficient changes in the kind, development or responsibilities of work assigned to the position.

**Reprimand.** A form of guidance which may be oral or written, and which should be used not only to warn an employee, but also to guide, direct and instruct the employee in how to correct and avoid repeating a mistake, infraction, deficiency or problem.

**Seniority.** Length of continuous service with the City as a regular employee.

**Sick Leave.** An absence approved by the department head or supervisor due to illness or injury.

**Supervisor.** An individual who has the authority to undertake or recommend tangible employment decisions affecting a particular employee; or an individual who has the authority to direct a particular employee's daily work activities.

**Suspension.** An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee; may be with or without pay.

**Transfer.** Assignment of an employee from one position to another position of a different Job Title or Work Location.

**Work Day or Work Period.** Scheduled number of hours an employee is required to work per day or per scheduled number of days as department policy.

**Sec. 1.70                      Role of Mayor and City Council.**

The Mayor and City Council shall be the ultimate policy-making authority for all matters pertaining to personnel management in the City government and shall determine the numbers and kinds of positions of employment.

**Sec. 1.80                      Role of the City Administrator.**

The City Administrator shall be responsible for the proper administration of the personnel management system by:

1.     Ensuring appointments are based on merit and fitness.
2.     Recommending a sound Pay Plan and position plan.
3.     Equitably administering the Pay Plan.
4.     Ensuring the City is an Equal Opportunity Employer.
5.     Maintaining employee discipline.
6.     Ensuring high employee productivity.
7.     Maximizing employee development opportunities.
8.     Ensuring fair and effective appeal and grievance procedures.
9.     Fostering good employee relations.
10.    Issuing such administrative directives as are necessary to implement these rules.

**Sec. 1.90                      Functions of the Human Resources Department.**

The Human Resources Department performs the following functions:

1.     Recruits candidates for employment.
2.     Receives and initially processes employment applications.

3. Refers applicants to department in accordance with established procedures.
4. Processes appointments, separations, and other actions.
5. Develops general personnel forms.
6. Advises and assists the City Administrator and the department heads as to general personnel policies, and in individual cases ensures all laws and administrative regulations are complied with and that good personnel practices are observed.
7. Represents the City Administrator, as directed, in relationships involving personnel matters with private and governmental agencies.
8. Revises and keeps this manual up-to-date.
9. Maintains the Pay Plan and Job Descriptions.
10. Keeps the central personnel records, including records of accidents and injuries.
11. Performs other related functions as directed by the City Administrator.

**Sec. 1.92 Human Resources Director.**

The normal procedures for discussing concerns, or problems, will be resolved using the chain of command as provided in the Personnel Rules.

However, in instances where the concern is confidential in nature or the employees' interest might be compromised if a rigid chain of command is followed, the employee shall have the right to bring the concern directly to the Human Resources Director.

When questions or problems arise regarding issues in the workplace, employees are encouraged to first discuss the matter with their supervisor. If they are not satisfied at this point or are uncomfortable visiting with their supervisor regarding the matter, the employee should contact their department head. If this does not resolve the matter or would prove uncomfortable, employees may always contact the Human Resources Director directly.

**Sec. 1.93 Responsibility for Job References.**

The Human Resources Director shall be responsible for providing job references for all past and present employees. All employees shall refer all job related inquiries regarding references for former and current employees to the Human Resources Director.

**Sec. 1.94 Role of Department Heads.**

Department heads shall have full responsibility for managing their assigned personnel and for taking or recommending any personnel actions in accordance with the authority delegated to them by the

City Administrator and the applicable provisions of these rules.

**Sec. 1.95 Personnel Records.**

The Human Resources Director shall maintain a file for each person currently employed by the City. An employee may contact the Human Resources Director to review their own personnel file. The documents in the file shall be reviewed in the Human Resources Director's office. The file or documents in the file shall not be permitted to leave that designated office. Employees do not have the right to add or delete material from their personnel files. Copies of particular documents shall be made at the request of the employee.

**Sec. 1.96 Code of Employer-Employee Relations.**

It is the policy of the City of Columbus to implement fair and effective personnel policies and to require all employees to serve the organization's best interests as listed below:

1. The City retains the sole right to exercise all managerial functions including, but not limited to, the right of the City to manage and supervise all operations and establish work rules, regulations, and other terms and conditions of employment; direction, assignment of work to, and arrangement of working forces, including the right to hire, promote or not promote, suspend, terminate for cause, make interdepartmental transfers, relieve employees from duty because of lack of work or other legitimate reasons; the determination of services to be provided; the determination of employee's work abilities; the location of the work sites including the establishment of new work sites and the relocation and closing of old work sites; the determination of financial policies including accounting procedures and budget control; the determination of the management organization of the department and the selection of employees for promotion, transfer, or reorganization; maintenance of discipline and control and use of City property; the subcontracting of unit work; the establishment of quality standards and judgment of workmanship required; the scheduling of operations and the time to be worked; and the right to enforce rules and regulations now in effect and which it may issue from time to time. The above detailed listing of management rights shall in no way be deemed to exclude other management prerogatives which may not have been specifically listed.
2. The City's objectives for employees include the following:
  - a) To provide equal employment opportunity and treatment regardless of race, color, religion, ~~color~~, sex, age, national origin, disability, ~~Vietnam era veteran status~~, marital status, AIDS/HIV status, ~~or~~ genetic information or any other class protected by applicable law. unrelated to the ability to perform the job.
  - b) To provide compensation and benefits commensurate with the work performed.

- c) To establish reasonable hours of work based on the City's service obligations.
  - d) To monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety.
  - e) To offer employees training opportunities whereby the employee and City would mutually benefit.
  - f) To be receptive to constructive suggestions which relate to the job, working conditions, or personnel policies.
  - g) To establish appropriate means for employees to discuss matters of interest or concern with their immediate supervisor, department head, **Human Resource Director or City Administrator**.
3. The City expects all employees:
- a) To deal with citizens, suppliers, and contracting organizations in a professional manner.
  - b) To perform assigned tasks in an efficient manner.
  - c) To be punctual.
  - d) To demonstrate a considerate, friendly, and constructive attitude toward the public and fellow employees.
  - e) To adhere to the policies adopted by the City.
4. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that the City has implemented or will implement in the future. (See Employment-At-Will, Sec. 1.55.) Accordingly, the City retains the rights to establish, change, and abolish its policies, practices, rules, and regulations at will, and as it sees fit at any time, with or without notice.

**Sec. 1.97 Employee Educational Refund Plan.**

The City of Columbus recognizes the mutual advantages to be gained when employees enroll in continuing education courses. In order to encourage this program, the City has implemented an Employee Education Refund Plan whereby the City will reimburse the employee 80% of the tuition, books and fees, subject to the following conditions:

- 1. Availability of budgeted department funds.
- 2. Only regular **fulltime** employees are eligible and must have completed one continuous

calendar year of employment.

3. The courses or degree work selected by the employee must be technical or professional, ~~or~~ **and** related to work available in City service, but not directly related to the employee's current position with the City. Enrollment must be made with a recognized and established college, university, technical school, correspondence school, or equivalent.
4. **Prior to enrolling in a class**, the request must be approved by the immediate supervisor, department head, and the City Administrator.
5. Continuing education courses are voluntary and must occur while off-duty and without compensation since such training does not constitute "hours worked".
6. The course must be satisfactorily completed and receipts for tuition, books, and entrance fees **and transcript** must be submitted as a basis on which to compute the refund.
7. Where the employee is already receiving tuition or scholarship assistance such as VA benefits, etc., the City will make the reimbursement for education costs to the extent that the total payments received by the employee from all sources does not exceed 100% of the total course cost.
8. An employee benefit of \$500 as incurred each calendar year and a \$2,000 maximum benefit is allowed under this policy.

**In order for training and education to be unpaid, it must meet all 4 of these factors:**

1. Attendance is outside of the employee's regular work hours;
2. Attendance is voluntary;
3. The course, lecture or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work for the employer during such attendance.

## CHAPTER TWO

### METHOD OF FILLING VACANCIES

#### **Sec. 2.05            Vacancy Identification.**

Department heads shall notify the Human Resources Director as soon as they become aware of actual or ~~impeding~~ ~~impending~~ vacancies in their organizations. No vacancy may be filled without the authorization of the City Administrator, who may specify the selection process or processes to be used.

#### **Sec. 2.10            Promotion Policy.**

A promotion is the assignment of an employee from a position in one Job Title to a position in another Job Title having a higher maximum salary. The City shall provide promotional opportunities whenever feasible. City employees may also apply and be considered for any position in the same manner as members of the general public.

#### **Sec. 2.12            Competitive Selection.**

When a competitive selection process is to be used, the City Administrator, according to the best interest of the City, may designate the selection process for applicants from any of three processes. First, the selection process may be limited to persons in the City service or a segment thereof. Secondly, the selection process may be opened to the general public without special preferences or consideration for any City employees who apply. And finally, the selection process may include both City employees and members of the general public, with City employees given preference in application and/or consideration.

#### **Sec. 2.15            Noncompetitive Selection.**

When in the best interest of the City, a noncompetitive selection process may be specified by the City Administrator. Vacancies may be noncompetitively filled with qualified persons by the following means:

1. Reinstatement of a former City employee, as described elsewhere in these rules.
2. Demotion for cause, as described elsewhere in these rules.
3. Voluntary demotion.
4. Repromotion of an employee previously demoted in lieu of layoff.
5. Lateral transfer.
6. Special employment program.

**Sec. 2.17 Voluntary Demotion.**

Demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. Employees may be demoted at their own request if in the best interest of the City.

**Sec. 2.20 Demotion in Lieu of Layoff.**

An employee may be demoted as an alternative to layoff. Such demotion may be fully or partially rescinded at any time through noncompetitive re-promotion.

**Sec. 2.25 Lateral Transfer.**

Lateral transfer is any assignment from one position to another not involving a promotion or demotion. A lateral transfer may be affected at an employee's request or for reasons of administrative necessity. It is highly desirable when a vacancy occurs in a department for which an employee of another department is qualified, that the employee be given an opportunity to apply for the vacancy. In appropriate circumstances, the Human Resources Director shall ensure that notices are posted in City departments and divisions soliciting applications for lateral transfer.

**Sec. 2.27 Special Employment Programs.**

From time to time, the City Administrator, in furtherance of legitimate public policy objectives may specify vacancies be filled with persons eligible for inclusion in particular special employment programs without regard to the provisions of this chapter concerning selection processes. Special employment programs include, but are not limited to internships, youth employment programs, work-study programs, intergovernmental mobility assignments, vocational rehabilitation programs and seasonal employees.

**Sec. 2.30 Temporary Positions.**

The City Administrator may authorize any fair and practical means of filling temporary or seasonal positions without regard to other provisions of this chapter concerning selection processes.

**Sec. 2.35 Vacancy Announcements.**

The Human Resources Director shall announce all vacancies for which a competitive selection process has been specified.

**Sec. 2.37 Purpose and Design of Application Forms.**

The Human Resources Director shall develop one or more general application forms for use in applying for City employment. The Human Resources Director or department heads may also develop specialized or supplemental application forms for use in appropriate circumstances. Any forms developed by department heads shall be reviewed by the Human Resource Director for technical adequacy, utility, and equal employment opportunity compliance. Application forms shall

be used in making fair determinations of qualifications for employment. Information concerning non-merit factors shall only be requested as necessary to satisfy equal employment opportunity and other legal requirements. Information required only at the time of selection or appointment shall not be solicited at the time of initial application.

**Sec. 2.40                    Filing of Application.**

Applications shall be filed with the Human Resources Director as specified in the applicable vacancy announcements. The City Administrator may authorize the acceptance of late applications, if in the best interest of the City. The Human Resources Director shall provide all reasonable assistance to persons requesting help in completing their applications. All information submitted shall be subject to verification. The City may cease accepting or processing applications at any time in accordance with operational requirements.

**Sec. 2.45                    Initial Processing of Application.**

The Human Resources Director shall be responsible for the initial processing of employment applications as directed by the City Administrator. Should information be collected solely for equal employment opportunity purposes it shall be detached from the main body of each application upon receipt. The information shall be separately and securely filed by the Human Resources Director and shall not be used in the selection process.

**Sec. 2.47                    Evaluation of Qualifications.**

It is the policy of the City to select, develop and promote employees based upon their individual qualifications, abilities and performance. Applicants for employment with the City will be requested to supply personal and employment references. In addition, the city reserves the right to obtain background information on applicants either before or after actual employment. Such information may include, but is not limited to, an individual's character, general reputation, mode of living, and criminal and other public record. To protect against the use of inaccurate information, the city will comply with applicable federal law in obtaining such information.

**Sec. 2.50                    Disqualification.**

An applicant may be disqualified from further consideration at any stage of the selection process for, among other things:

1.     Applicant cannot provide adequate documentation demonstrating their eligibility to work in the United States as required by federal law.
2.     Applicant will not have attained their 16<sup>th</sup> birthday at the time of employment, except that a lower or higher minimum age may be established for certain temporary positions as required or permitted by state and federal law.
3.     Applicant is not qualified to perform the essential functions of the position, with or without reasonable accommodation, or if such accommodation would impose an undue hardship on

the City.

4. Applicant is currently engaging in the ~~illegal~~ use of ~~illegal~~ drugs.
5. Applicant is not of good moral character to the extent that his or her job performance would be impaired or that ~~significant~~-discredit or ~~excessive~~ risk would be brought upon the City by offering employment.
6. Applicant has made a false statement of material fact or has committed or attempted to commit a fraudulent, illegal, or unethical act.

**Sec. 2.55 Interviews.**

Selection officials shall interview applicants in competitive selection processes who on the record appear to be the best qualified for the position involved. For designated positions, a written summary of interview questions and answers shall be prepared and forwarded to the Human Resources Director for retention. Interviews shall be conducted in a consistent job-related and nondiscriminatory manner.

**Sec. 2.57 Documentation and Notification.**

The Human Resources Director shall devise necessary forms and procedures pertaining to the selection process. Disqualification and selection decisions shall be thoroughly documented by the responsible officials. The Human Resources Director shall be responsible for conducting reference checks of successful applicants. The Human Resources Director shall also respond to any written requests from applicants concerning the reasons for their disqualification or non-selection.

**Sec. 2.60 Employment of Relatives.**

Two or more members of the same immediate family shall not be allowed to supervise each other or to do work under the same immediate supervisor except in emergencies. They may be employed in different units of the same department or in different departments. Should two present employees become immediate family through marriage, both employees may retain employment, however, City Administration retains the right and responsibility to transfer either one of the related employees for the purpose of maintaining the best interest of the City of Columbus. Summer only employees may be exempt from this policy if the department head specifically approves the hiring. The hiring of an immediate family member of a supervisor or department head must be approved by the City Administrator.

**Sec. 2.65 Types of Appointment.**

Appointments of employees to positions under these rules shall be of the following types:

1. Training appointments.
2. Regular appointments. Upon the satisfactory completion of the introductory period, employees are granted regular appointments.

3. Temporary appointments to replace regular employees. Employees may be given temporary appointments, which are limited to no more than one (1) year. Employees who are hired to temporarily fill a position vacated by a regular employee who is on authorized leave, shall, after 90 calendar days of employment, be entitled to sick and holiday leave on the same basis as a regular employee. In addition, should such employee receive an offer of employment to a regular position with the City, while still serving as a temporary employee, they will receive vacation and sick leave credit from the date of their appointment as a temporary employee.

Positions may be full or part-time, and may be occupied by employees under any of the three types of appointments.

### **Sec. 2.66 Nondiscrimination Against and Accommodation of Individuals with Disabilities.**

The City complies with applicable federal, state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. The City also provides reasonable accommodation for such individuals in accordance with these laws.

It is the City's policy to:

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
2. Administer medical examinations: (a) to applicants only after conditional offers of employment have been extended; and (b) to employees for business necessity.
3. Keep all medical-related information as confidential as possible and retain such information in separate confidential files.
4. Provide applicants and employees with disabilities with reasonable accommodation, except where such an accommodation would impose an undue hardship on the City.

Qualified individuals with disabilities should make requests for reasonable accommodation to the City's Human Resources Director. On receipt of an accommodation request, the Human Resources Director will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations. The Human Resources Director **and City Administrator**, in conjunction with those City officials and employees having a need to know, will determine the feasibility of the requested accommodation.

### **Sec. 2.67 Equal Employment Opportunity.**

It is the policy of the City to provide equal employment opportunity to all employees and applicants for employment. No person is to be discriminated against in employment because of race, color, religion, ~~color~~, sex, age, national origin, disability, ~~Vietnam-era veteran status~~, marital status, AIDS/HIV status, ~~or~~ genetic information or any other class protected by applicable law ~~unrelated to~~

~~the ability to perform the job.~~

1. This policy is applicable to all terms, conditions, and privileges of employment including, but not limited to hiring, introductory period, training, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, employee facilities, termination, and retirement.
2. ~~The City, if required by law, will establish a written Affirmative Action Program. The results of the program would be reviewed annually, and the program would be modified as necessary to achieve its stated objectives.~~
3. The Human Resources Director, who reports directly to the City Administrator on matters relating to this policy, is responsible for formulating, implementing coordinating, and monitoring all efforts in the area of equal employment opportunity. The Human Resources Director duties may include, but are not necessarily limited to:
  - a) Assisting management in collecting and analyzing employment data.
  - b) Developing policy statements, ~~Affirmative Action Programs, if required~~, and recruitment techniques designed to comply with the equal employment policies of the City.
  - c) Complying with various statutory record keeping and notice requirements in order to ensure full compliance with all employment-related statutes and regulations.
  - d) ~~Preparing, if required by state or federal law, an annual review and summary of the City's Affirmative Action Programs and the results achieved by these programs for submission to the City Administrator.~~
  - e) Assisting supervisory personnel in arriving at solutions to specific personnel problems.
  - f) Serving as liaison between the City and government agencies, minority ~~and women's~~ organizations, and other community groups.
  - g) Keeping City management informed of the latest developments in the entire equal employment opportunity area.
4. Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter is to be immediately referred to the Human Resources Director.
5. Employees who feel they are being discriminated against should bring the matter to the attention of their supervisor. If this proves unsatisfactory or the employee is uncomfortable visiting with their supervisor regarding the matter, the employee should contact their department head. If this does not resolve the matter or this would prove uncomfortable, the employee may always contact the Human Resources Director directly **or City Administrator.**

**Sec. 2.80 Minimum Age.**

No applicant for employment shall be considered who is less than 16-years of age, and 16 and 17 year-olds shall not be considered eligible for any Job Title that requires the operation of a motor vehicle on public roadways.

**Sec. 2.90 Processing and Orientation.**

New and reinstated employees shall report to the Human Resources Director as directed for completion of personnel and payroll forms and for a general orientation to the City government, the Personnel Management System, and the City policy of Equal Employment Opportunity. Department heads or their designee shall provide further orientation on such matters as the introductory period, employee rights and responsibilities, assigned duties, level of performance expected, organizational structure and interrelationships, hours of work, safety, and availability of these rules and any applicable supplemental personnel regulations. Each regular employee will be issued a city personnel manual. Those departments who hire temporary and seasonal employees shall have a spare personnel manual available to these workers and shall make time for a review of the manual as a part of department orientation for their temporary and seasonal employees. After this review the employee shall sign an acknowledgement form to be filed in their employee file. Employees should be made to feel welcome and should be especially encouraged to ask questions during their first days of employment.

**Sec. 2.95 Introductory Period.**

Every employee, except Police Officers & Fire Fighters, including part-time, seasonal, and temporary employees, shall have an introductory period of the first 6 months of work. Police Officers and Fire Fighters shall have an introductory period of one year. Police Officers one year introductory period begins after following the employee has received certification by the Nebraska Law Enforcement Training Center.

The purpose of the introductory period is to permit the supervisors and department heads to closely observe and evaluate the capabilities and willingness of the new employee. During this time, supervisors shall encourage and assist the new employee in making a successful adjustment to the job. Only those employees who meet an acceptable standard of work during the introductory period will be retained. An employee may be dismissed at any time during the introductory period if, in the judgment of the immediate supervisor and department head, the quality of work or the employee's manner or approach to the work do not warrant continuation of employment. The successful completion of the introductory period should not be considered a guarantee of employment of any specific duration.

The department head may extend the introductory period for a period of three months except in the case of Police Officers and Fire Fighters.

Employees promoted within the City service shall be in introductory training for their first six months. During that time the department head may cancel the promotion and assign the employee to the former

or a similar position. As with all regular employees who successfully complete their introductory period, promoted employees shall not automatically receive a pay increase because of the satisfactory completion of their introductory period.

## CHAPTER THREE

### SALARY ADMINISTRATION

#### **Sec. 3.10 Pay Plan.**

It is the policy of the City to have a formal Pay Plan that is reviewed at least annually. Each job in the City, whether occupied, vacant, temporary, full-time or part-time shall have a job description outlining duties, responsibilities, and minimum job qualifications.

#### **Sec. 3.20 Pay Grades.**

Each position or job is evaluated and assigned a pay grade based on internal equity and competitive pay rates, keeping in mind the City's overall financial position.

#### **Sec. 3.30 Salary Survey.**

It shall be the policy of the City insofar as economically possible to remain continually competitive in compensation compared to similar sized cities in the state.

To that end, it shall be the responsibility of the City Administrator to annually review the Pay Plan taking into account changes in economic conditions, as well as salary trends in similar sized communities and in the local wage market. On the basis of such review, ~~he the Administrator~~ they shall make recommendations as appropriate to the City Council for changes in the Pay Plan. The City Administrator is authorized to grant pay changes to avoid inequities.

#### **Sec. 3.40 Starting Pay.**

New employees shall normally start work at the minimum of the pay grades to which their positions are allocated if they possess the minimum qualifications for that position.

A candidate for employment having exceptionally good qualifications for the position may be employed initially at a rate higher than the minimum rate; provided the department head and City Administrator approve.

#### **Sec. 3.50 Promotion.**

When an employee is promoted from a position in a lower pay grade to a position in a higher pay grade, the pay of the employee shall be increased as follows:

1. To the first step of the higher grade.
2. If their present pay exceeds the first step of the new grade, to a step of the new grade which is higher than their present salary.

The applicable alternative shall be that which gives the employee an increase in pay.

If the employee is promoted to a higher grade, the employee shall be eligible for a periodic merit pay increase annually on the anniversary date of the promotion.

**Sec. 3.60                    Reclassification to Lower Pay Grade.**

If an employee is demoted, either voluntarily or involuntarily, the employee's rate of pay shall be determined as follows:

1.     If the rate of pay in the higher grade position is more than the maximum rate of pay for the position to which demoted, the rate of pay shall be reduced to the maximum rate of pay of the lower position.
2.     If the rate of pay in the higher grade position falls within the range of the pay grade for the position to which demoted, the rate of pay shall be placed on the next closest step down in the lower pay grade.
3.     The City Administrator may vary the strict application of (1.) and (2.) in any case when such strict application would result in practical difficulties or unnecessary hardship.

**Sec. 3.70                    Periodic Pay Increases.**

Employees shall become eligible for pay increases in the Pay Plan on the annual anniversary dates of their employment or annually on the date of most recent promotion. The supervisor is to evaluate the employee's performance and rate the employee and make a recommendation. No pay increases (including pay step increases and adjustments to the pay steps themselves) will be implemented unless there is a current satisfactory appraisal on file.

If the employee is not at the top of their pay grade, the supervisor may initiate a periodic pay increase at the anniversary date on which the employee becomes eligible or it may be recommended later. The recommendation shall be transmitted through the department head to the Human Resources Director. The department head and/or City Administrator may reject or modify the supervisor's recommendation.

It is the duty of the department heads and supervisors to identify outstanding workers and to recommend to the City Administrator that they be granted special pay increases. Such increases may be used to reward an employee for acquiring a special job certification.

Department heads shall avoid circumstances whereby a special pay increase is recommended to prevent a valuable employee from seeking employment elsewhere. Merit and ability should be recognized voluntarily by the supervisor, not under threat of resignation.

**Sec. 3.80                    Benefits.**

The cash pay of employees by no means constitutes their total pay since employees receive a number of benefits in-kind which have substantial value. Depending on an employee's status, these benefits

could include the following items described here in summary:

Benefit Title	Description	Who Qualifies	Who Pays for It
Call-Back Pay	A minimum payment of 2 hours of overtime pay when called back to work during an emergency	All regular employees	City
Coffee Breaks	Employee working an eight-hour shift normally receives two 15 minute coffee breaks. As a full-time employee, break periods in a week add up to the equivalent of 2 ½ hours of paid break time.	All employees	City
Compassionate Leave	Up to 24 working hours of paid leave for a death or serious injury of an immediate family member or similar personal problem upon approval of department head.	All regular employees	City
Compensatory Leave	Employee may bank time off at a rate of 1 ½ times the number of hours worked in lieu of overtime pay.	All regular employees	City
<del>Credit Union</del>	<del>Preferred rates on savings and loans. Convenient automatic payments arranged for loans or savings.</del>	<del>All regular employees</del>	<del>Employee</del>
Deferred Compensation	Employees can deduct pretax dollars from their gross pay into an approved deferred compensation program.	All regular employees	Employee
Dental Coverage more Employee	<del>A plan of dental insurance with a \$25 annual deductible. Pays usual &amp; customary charges at 100% for Type 1, 80% for Type 2, &amp; 50% for Type 3, with a \$500 annual benefit maximum.</del>	All regular employees. working 30 hours a week	City and/or hours or or
Vision Coverage	<del>Employee Pays flat rates for different coverages (exam, Glasses, contacts etc...)</del>	<del>All regular employees working 30 hours or more A week.</del>	<del>Employee</del>
Flexible Spending	Employees may use pretax dollars to fund expenses such as <del>medical and dental premiums</del> , childcare, and unreimbursed medical expenses	All regular employees working 30 hours or more a week.	
Health Coverage	A comprehensive major medical program <del>including a prescription card</del>	All regular employees working 30 hours or more a week.	City and Employee
Holiday Pay	The City recognizes 10 holidays. Most eligible employees receive holidays off with pay. Regular employees working on a holiday receive regular pay plus overtime pay for all hours worked during the holiday.	All regular employees	City
Job Posting	Opportunity to be considered for posted positions.	All employees	City
Life Insurance	City pays for group term life insurance for regular 30 hour employees. Optional supplemental life is	All regular employees working 30 hours or more	City

	also available through payroll deduction.	a week	
Long Term Disability Coverage	An income protections plan that pays covered employees 60% of their gross pay after having been disabled 180 days for a qualifying condition.	All regular employees working 30 hours or more a week.	City
Pension	Matching contribution program to provide an employee with pension benefits at retirement Current match city 6% and employee 6%. Police officers and firefighters contribute to their pension plans as mandated by Nebraska law.	Regular employees meeting hours and age requirements	City and Employee
Sick Leave	Employees accumulate one sick day per month that can be used when ill, up to a maximum of six month's worth of work hours.	All regular employees working 20 hours or more a week.	City
Vacation	Full-time regular employee receives 10 days after 1 year; 15 days after 6 years; and 20 days after 15 years. Part-time regular employees' vacation time is prorated based on hours worked	All regular employees working 20 hours or more a week	City
<del>Vision</del>	<del>Affordable visions plan</del>	<del>All regular employees working 30 hours a more a week.</del>	<del>Employee</del>
YMCA	Discounted membership rate available with payroll deduction.	All regular employees working 20 hours or more a week.	Employee

**Sec. 3.85 Pay Periods.**

The pay period shall be a period of two weeks, beginning with the 12:01 a.m. Sunday shift and ending with the last p.m. shift on Saturday.

Pay will be issued biweekly on Friday following the end of a pay period. If a bank holiday falls on a Friday payday, an attempt will be made to issue pay one day early. If a City holiday and not a bank holiday, falls on a Friday payday, pay will be issued Friday.

Terminating employees will receive their final pay on the next regular payday when the pay would normally be due. Terminating employees should make arrangements with their supervisor concerning their final pay.

**Sec. 3.90 Bi-Weekly Payroll Processing.**

Employee status changes and salary adjustments are to be forwarded to the Human Resources Director for review and City Administrator's approval on the Wednesday before pay week.

Employees should have their signed timesheets completed and forwarded to their supervisor on or before their last day of work in each time period. Timesheets should be delivered to the Finance Department by 9 a.m. each Monday of each pay week.

The City may make payments for wages and reimbursable expenses by electronic funds transfer or similar means of direct deposit.

The City Clerk's Office will distribute pay stubs to department heads or their designees after 8 a.m. on each payday.

**Sec. 3.96 Employee Recognition.**

Department heads and supervisors have a duty to identify and recognize outstanding performance by employees. The Municipal Recognition Program is the procedure for the granting of awards. A copy of the Municipal Recognition Program is available from the Human Resources Department.

**Sec. 3.97 Payroll Deductions and Reductions.**

Generally a difference exists between "gross earnings" and your "take-home pay" otherwise known as your "net earnings". Two reasons account for that difference: deductions required by federal and state government, and voluntary deductions authorized by the employee. All such deductions are shown on your pay stub.

1. Automatic Deductions:

- a) Federal and State withholding tax:  
Amounts withheld for taxes are based on your earnings, marital status and the number of exemptions claimed. Nebraska employees will complete a W-4 form known as the Employee's Withholding Exemption Certificate for both federal and state taxes. Federal and State tax deductions are done in accordance with law and the money deducted from your pay is remitted to the government as required.
- b) Social Security & Medicare (FICA – Federal Insurance Contribution Act):  
Each employee of the City, as required by law is to participate in this program. It is designed to provide retirement, disability, medical, and death benefits. Deductions are made at a rate established by law.

2. Other Required Deductions:

- a) In some cases, additional required deductions may include court ordered wage garnishments, wage assignments, third party levies, and income-withholding orders (child or spousal support) levied against an employee's pay. Under the federal Child Support Enforcement Act of 1984, income-withholding orders for child support take priority over all other wage withholding orders.
- b) While it is not the intent of the City to become involved in the personal affairs of its employees, we are required to follow court ordered deductions from pay. The employee will be notified by the Finance Department upon receipt of the court order. The Finance Department is responsible for computing the dollar amount legally

allowed to be withheld from the employee's check. Employees may need to complete a form indicating dependents.

3. "Dock in Pay" Deductions:

- a) A dock in pay will occur when a request for leave time exceeds the leave balances available. Currently, when sick pay is requested, and no sick leave balance exists, the City will reduce vacation or compensatory time, if available. If vacation or compensatory pay is requested, and no leave is available, then a dock in pay may occur. As well, if sick pay is requested, and no other leave is available, a dock in pay may also occur.
- b) Non-Exempt Employees: Non-exempt employees are defined by the hours they work. Therefore, when all leave balances are exhausted the system will automatically create a dock in pay for the pay period in which the request exceeds the leave balance.
- c) Exempt Employees: Since exempt employees are not paid based on hours worked, there are certain rules pertaining to an institution's ability to dock pay for use of leave above and beyond the balance available. For example, the City may make deductions when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability. Also, the City may make deductions from pay for absences of one or more full days occasioned by sickness or disability if the exempt employee has exhausted his or her leave allowance under other City leave plans, such as vacation and sick leave.
- d) The City prohibits improper pay deductions for exempt status employees leaves. To insure that exempt employees are not put in exempt status jeopardy because of an improper deduction for leave, an employee should notify the Human Resources Department if they believe an improper deduction for absence has been made. If the deduction is found to be improper, the City will reimburse the employee's paycheck for the amount deducted.

4. Voluntary Deductions or Reductions:

These deductions must be authorized by the employee, by completing and signing the appropriate form and bringing it into the Finance Department. These deductions remain in effect until the employee notifies the Human Resources Department or the Finance Department in writing of the change, or the Human Resources Department notifies the employee that a new enrollment is necessary.

Deductions may include a variety of approved contributions or payments.

Reductions include pension and deferred compensation contributions, flexible spending contributions, and health and dental premiums.

5. Deductions from Final Paycheck:

Upon termination of employment for any reason all employees are required to return City materials, property and equipment issued to the employee and to pay the City any money the employee may owe the City. Otherwise, the City may withhold corresponding amounts from the employee's final paycheck as authorized in the Acknowledgement Form to this handbook.

## CHAPTER FOUR

### HOURS OF WORK AND OVERTIME

#### **Sec. 4.10 Hours of Work.**

Department heads shall establish working schedules to meet their special needs provided that, no schedule with eight hour shifts shall under normal circumstances call for more than 40 hours a week.

#### **Sec. 4.15 Travel Time.**

The following guidelines shall be used in determining if travel time is to be considered as work time:

1. Home-to-work travel is not counted as hours worked.
2. Travel to and from work in emergency situations is counted as hours worked.
3. Time spent traveling to and from other cities on required assignment is counted as hours worked. Travel and work that extends over a 24 hour period, such as a multi-day educational seminar held outside of Columbus, requires a ~~written plan of travel hours~~ **Travel Request form** to be given to the department head for written approval.
4. Travel that is all-in-a-day's work is counted as work time.

#### **Sec. 4.20 Overtime.**

If requested to work overtime, an employee will be expected to do so unless the employee is excused for good cause.

Except for "exempt" employees, who do not qualify for overtime, overtime hours are based on hours worked in excess of 40 hours in a normal work week. For the purpose of determining overtime, only the following hours are counted towards hours worked: include vacation, hours and holiday, procedural and administrative leave, and compensatory time used ~~hours will be considered hours worked~~ except for Firefighters and Fire Lieutenants. All other hours are not considered hours works for the purpose of calculating overtime. ~~Hours not considered as hours worked would be these categories of paid leave: sick leave, jury duty, funeral leave, worker's compensation hours, compassionate leave, election worker leave, military leave and compensatory time used.~~ For Firefighters and Lieutenants the overtime rate is applied to all hours worked over 106 hours in a 14 day work cycle. For Police Officers and Sergeants working 12 hour shifts, overtime is computed on a 14 day work cycle.

Overtime pay at the rate of one and one-half times the regular hourly rate of pay shall be paid as follows regardless of whether 40 worked hours accrued in the pay period:

1. For all time worked as a result of being called back to work on a regular work day or a

scheduled day off, during an emergency such as snow removal, fire or official court appearance. In such cases the employee will receive a minimum of two hours overtime pay or one and one-half times the regular rate of pay for the actual hours worked, whichever is greater. However, an employee asked to return for an emergency callback cannot claim a second period of two (2) hours of emergency callback pay while they are still being paid for the first two (2) hour period.

2. To an employee who is required to work during the time period a holiday is observed for the time worked during the 24 hour holiday period (not applicable to Firefighters and Lieutenants).

When budgetary restraints are compelling, department heads may order employees off the job before the end of the work week to avoid payment of overtime compensation.

Overtime hours must have the approval of the department head and should be approved in advance whenever possible. This applies only to overtime of non-exempt employees. Approval shall be indicated by the department head initialing the employee's time sheet. In-lieu of pay for overtime under (1) and (2), an employee may be granted compensatory time upon approval of the department head (see 4.30).

#### **Sec. 4.25 Carrying a Pager or Other Electronic Device.**

Carrying an electronic device while off duty does not constitute hours worked. These devices allow employees to effectively use the time for their own purposes and, consequently, such time is not compensable. However, the City expects that employees will refrain from consuming alcoholic beverages **and a response time of 30 minutes** while being required to carry these devices. When carrying an electronic device results in frequent "call ins", a pager benefit payment in addition to hours worked compensation will be studied. In unusual or emergency circumstances the City Administrator may authorize a temporary benefit in lieu of normal study. In the Streets Department during the winter season and in the Sanitary Sewer, Wastewater Treatment, and Water Departments, a 'Call Pay Fee' of one and one half (1½) hours ~~of overtime~~ has been implemented for each 24 hour period of being on call. Salaried employees can become eligible for pager compensation. For example, Police Captains receive \$200 a month. When a substantial amount of the minutes of an employee's personal cell phone is being spent answering city related calls, a \$10 monthly cell phone stipend may be implemented. As telecommuting situations occur, employees may be reimbursed for documented hours worked.

#### **Sec. 4.30 Compensatory Time.**

At the option of the department head, employees may be granted compensatory time off with pay in-lieu of pay for hours worked. If hours worked are eligible for overtime pay, 1.5 hours will accrue for each overtime hour worked. If the hours over 40 hours in a week are not eligible for overtime, one hour will be banked for each hour worked. Should the employees accrue over 240 hours of compensatory time, the overage will be automatically paid out with the next pay check. Any employee having accrued compensatory time may, upon termination of employment, be paid for such hours of unused compensatory time, not to exceed 240 hours, at a rate of compensation not less than

the average regular rate received by the employee during the last three years of employment or the final regular rate whichever is greater. Compensatory pay ~~can~~ will be paid out in a lump sum at separation. ~~or if mutually agreeable to the separating employee and the employer, can be paid out biweekly in order to maintain health insurance coverage.~~

**Sec. 4.31                    Shift Differential.**

A 50 cent an hour differential credit will be paid to covered employees who **are required to** work between 6 p.m. and 6 a.m. The Fire Department is exempted from this benefit due to their unique work schedule.

**Sec. 4.40                    Exempt Employees.**

Department heads, certain supervisors, and other employees designated by the City Administrator shall not be paid overtime for hours worked in excess of 40 hours per week. Exempt employees are expected to work whatever hours are necessary to complete their work and average at least 40 hours per week. Requests for extended time off will be reviewed by the City Administrator. The exempt positions are as follows:

- |   |  |
|---|--|
| City Administrator                            | Library Director   |
| City Clerk/ <del>Assistant Finance Dir.</del> | <del>Librarian</del>   |
| City Engineer                                 | Police Captain   |
| Community Development Director                | Police Chief   |
| Finance Director/City Treasurer               | Public Property Director   |
| Golf Course Superintendent                    | <u>Director of</u> Public Works/ <del>Environmental Services</del> |
| <del>Director</del> <u>Director</u>           |  |
| Human Resources Director                      |  |

Deductions from pay of exempt employees may be made for disciplinary suspensions of one or more full days imposed for violation of major safety rules or workplace conduct rules.

**Sec. 4.45                    Volunteer Time.**

Volunteer time is any time spent working on a project or task which may be City-related but is entirely voluntary and not required by the department head nor directly related to their position with the City. Such time is not compensable, and any injuries or illnesses occurring during such volunteer time shall not be considered work-related for workers' compensation purposes. Work performed by an employee on a volunteer basis is not compensable.

**Sec. 4.50                    Break Periods**

While there are no federal or state laws requiring a paid break period in addition to a lunch break, it is the policy of the City to provide employees with a paid rest period from their normal duties.

1. One 15 minute break period may be permitted during each four hours of work or as approved by the department head to accommodate department work schedules.

2. Break periods should be scheduled by department heads or supervisors so services rendered by the department are not interrupted.
3. Break periods should not be scheduled shortly after an employee reports for work or shortly before an employee's shift ends. However, a break period twice a day is not an employee right. Work flow problems may make it impossible on occasions to provide a break in a given four hour period of work.

**Sec. 4.70                      Disaster Policy.**

If Columbus should be struck by a tornado, flood, earthquake, severe wind storm, a major hazardous material incident, or other disaster, all regularly scheduled off duty employees are required to report to their work place, for regularly scheduled work shifts, in person if possible, otherwise by telephone, unless otherwise notified by a supervisor. If the employee is not needed, s/he will be released to go home ~~and report to work for regular scheduled shift unless contacted by your Department Head~~. Persons suffering personal injury to themselves or members of their household or loss of property during the disaster are not normally expected to report to their work but should report to their supervisor or department head daily or as directed by management.

## CHAPTER FIVE

### LEAVE BENEFITS

#### **Sec. 5.00           Vacation.**

The vacation benefit is to provide all regular employees with a paid leave for personal use as recognition for past services.

Regular full-time and regular part-time employees who are scheduled at least 20 hours a week are eligible to start using vacation hours after completion of 12 months of employment.

Regular full-time employees shall be granted vacations based at the following accrual rate:

1.       80 hours paid vacation after one (1) full year of continuous employment.
2.       120 hours paid vacation at six (6) full years of continuous employment.
3.       160 hours paid vacation at fifteen (15) full years of continuous employment.

The vacation accrual rate for regular part-time employees who are designated as being on a 20 hour or more classification will have the same vacation accrual rate per hour worked as a regular full-time 40 hour employee with the same years of experience. For example:

A full-time 40 hour employee accrues 80 vacation hours at the end of the first year of employment based on working 2080 hours in a year. This is an accrual rate of .0385 of an hour of vacation accrual for every hour worked. If a regular part-time 20 hour a week employee works a total of 1040 hours the first year, the employee will accrue 40 hours of vacation. If the employee works 1200 hours, the employee will accrue 46.2 hours of vacation in a year.

Arrangements for vacation time and approval by the department head or their designee should be made at least four weeks in advance whenever possible. A department head may ask that a written vacation request be turned in so they can be pre-approved. Whenever a conflict arises in scheduling employees for vacation, seniority will be an important consideration in resolving the issue.

Employees may carry up to two years of accrual based on their current employment status. However, any accrual of more than two years will be removed from the records. Vacation accrual shall continue until separation of employment, however, no accrual shall occur on the last paycheck. Having several weeks of vacation accrual does not guarantee an employee the right to use it in a single period of time. Vacation time is to be worked into the department schedule and the maintenance of city service is the first priority. Fire Lieutenants shall accrue vacation leave at the rate stated in the Firefighter contract. Since Firefighters and Lieutenants receive a designated holiday benefit regardless of hours scheduled on a holiday, paid vacation may be used to replace scheduled work hours on an observed holiday.

Pay in lieu of vacation for full-time 40-hour employees is not permissible. The only exception to this

policy would be at the City's request and only upon the approval of the City Administrator. Vacation leave will not accrue while an employee is on a leave of absence without pay. If a holiday occurs during the time an employee is on vacation leave, the employee will not be charged a vacation day for the holiday.

At the time of separation, the employee will be paid for all unused accrued vacation leave up to the maximum amount which can be accrued. This accrued vacation pay can be paid out in a lump sum at separation, or can be paid out biweekly **until the end of the month of separation** in order to maintain health and dental coverage. All ~~other~~ insurance coverages end at the last day of the month in which the employee's last day of work occurs. ~~If a holiday occurs after the employee's last day of work and the vacation is being paid out biweekly, the employee is not eligible for holiday pay.~~

Vacation pay will not be paid in advance but will be included in the payroll period which includes the vacation period.

Because we recognize the importance of providing our employees with time off for rest, recreation, to recuperate from an illness, to attend family and other personal activities or for whatever purpose our employees deem appropriate, the City grants annual vacation to eligible exempt and non-exempt regular, full-time employees. Regular full-time employees become eligible for vacation upon the successful completion of their Introductory Period. The amount of vacation to which you are entitled depends upon your length of service with the City. Once a regular full-time employee becomes eligible, vacation becomes available based on your length of service with the City according to the schedule below and subject to certain employment conditions.

Employees shall accrue vacation each year as follows:

<u><i>Years of Service With City</i></u>	<u><i>Monthly vacation Accrual</i></u>	<u><i>Vacation Accrual Per Pay Period</i></u>	<u><i>Maximum Vacation Allowed In Employee's Vacation Bank</i></u>
<u>After completion of Introductory Period-5 years</u>	80 hrs	.0385 of an hour of vac. accrual for every hour worked.	160 hrs
<u>6 years-14 years</u>	120 hrs	Same as above	240 hrs
<u>15 years+</u>	160 hrs	Same as above	320 hrs

Once an employee has reached the maximum vacation accrual, the employee will not accrue additional vacation until the employee uses some vacation time so as to fall below the maximum accrual limit.

Whenever possible, we ask that all requests to use vacation and changes to those requests be made as far in advance as is possible. Shorter notice may be allowed in cases of emergency, with notification to your supervisor as soon as practicable. The earliest requests and/or changes in advance of the specific day requested will be given priority in determining which requests can be granted based on work requirements and citizen demands. In the event that multiple requests are turned in at the same

time and production needs can't accommodate them all, the City Administrator reserves the right to determine which requests will be granted so as to accommodate the needs of the City.

Time taken as vacation does count towards hours worked for overtime purposes.

The purpose of vacation is to give you a chance to rest, relax and spend time on activities other than work. Therefore, you may not take your paid time off benefit as extra pay in lieu of time off.

Upon separation, you will be paid accrued but unused vacation. Accrued vacation may not be used after a notice of termination has been given.

## **Sec. 5.20                      Sick Leave.**

The sick leave benefit was instituted to provide continued earnings to eligible employees during short spells of illness or injury. Regular employees who are scheduled for 20 hours a week or more are eligible for sick leave benefits based on hours worked. The maximum accrual is prorated based on the employee status.

Full-time 40-hour employees accumulate sick leave benefits at the rate of eight hours per month up to a maximum 1,040 hours which is approximately six months of paid work time. Once an employee has accumulated 1,040 hours of sick leave it will not accumulate further. So, for example, if an employee has accumulated 1,040 hours of sick leave and is sick or injured for five 8 hour days, the accumulated sick leave would be lowered 40 hours until such a time as the employee builds up their accumulation again. Fire Lieutenants shall accrue sick leave at the rate and maintain the same accrual as stated in the Firefighter contract.

Sick leave is basically an "insuring" benefit. However, employees will be paid 25% of the accumulated sick leave benefit at retirement if they have at least 15 years of service and are age 55 or older. Employees will be paid 50% of the accumulated sick leave benefit at retirement if they have at least 20 years of service and are age 55 or older. If an employee dies with hours remaining in the sick leave account, 100% of this accumulation will be paid to the same beneficiary as is named in the City life insurance policy records for that employee.

Employees will not be paid for sick leave during the first six consecutive months of qualified employment. However, benefits will be accumulating at the prorated rate from the date of employment if the months of employment are consecutive qualified employment.

Absence due to illness or injury must be reported to the department head or immediate supervisor as soon as possible. Failure to report the absence before the hour of duty may result in loss of sick leave pay. Absence due to illness or injury must be reported each day, unless the employee and department head have personally agreed to more extended periods of time. If an employee is absent without permission and is not in fact ill, the supervisor may cause a deduction in pay to be made from the employee's next paycheck for the number of hours absent from work.

Eligible employees will receive sick leave payment if a Leave Form has been completed. An employee should complete a Leave Request Form upon returning to work after a short illness and

give it to their supervisor. If the employee will be sick past the end of the pay period, the employee should make arrangements with the supervisor to have a Leave Request Form completed and sent to payroll.

Administration or department heads may request a physician's certification of illness from an employee for any sick leave, regardless of duration.

Abuse of sick leave benefits will result in disciplinary action and may be grounds for termination.

An employee may take sick leave: for illness of a member of the employee's immediate family, including dependents, ~~who reside at home (remove??)~~who reside at the employees home that require the employee's personal care and attention in the judgment of the department head; enforced quarantine of the employee in accordance with community health regulations; a visit to a medical professional such as a doctor, dentist, or ~~opt~~optometrist. Such appointments shall be scheduled in cooperation with the supervisor.

Sick leave benefits will not generally be paid for illnesses which occur during a scheduled vacation or scheduled days off. If an employee has an emergency inpatient hospitalization during a scheduled vacation the department head may grant the use of sick leave. If a holiday occurs during a period of illness the employee will receive holiday pay for that day in lieu of sick leave. Because of the unique holiday payment for Fire Lieutenants and Firefighters, it may be possible to receive payment of sick leave during scheduled holiday work hours with the approval of the Fire Chief.

### **Sick Leave Bank**

The purpose of the City of Columbus Sick Leave Bank is to provide additional paid leave for regular employees or the employee's spouse or resident minor children who have exhausted their accrued sick, vacation and compensatory leave benefits as the result of a catastrophic illness or injury. The Bank serves as a depository into which participating employees may voluntarily contribute leave for allocation to other participating employees. The purpose of the bank is not to provide unlimited paid sick leave for any medical reason but to alleviate the hardship caused when employees lose compensation as the result of a catastrophic illness or injury.

In the event a regular employee is diagnosed, or the employee's spouse or resident minor children are diagnosed with a severe illness that results in prolonged absences, use of the Sick Leave Bank may be requested. (Approved by Ordinance No. 11-34; October 3, 2011.) A request to utilize the Bank will be made to the department head and with the approval of the City Administrator.

### **Establishment of the Sick Leave Bank**

The bank will be established through the voluntary contribution of one leave day by active full-time employees during an initial enrollment period. Contributing a leave day establishes membership in the Bank and eligibility to apply for withdrawal from the Bank.

Once the Bank has been established, an open enrollment period will be held annually during the month of September. During the enrollment period, any eligible employee may join the Bank for the

following fiscal year by contributing one leave day. In order to remain a member in good standing, current Bank members must voluntarily make an annual contribution of one leave day each September at the time of initial enrollment. Should the Bank reach a balance of forty-five (45) or fewer available days, a special contribution period may be opened. If any days remain in the Bank at the end of the fiscal year, they will be carried over to the next fiscal year.

The program will be operated under the following additional guidelines:

1) Eligibility is discontinued upon termination of employment, retirement, death, or failure to donate a leave day the following fiscal year(s). No payment of benefits will be made to survivors.

2) Membership continues from year-to-year with annual reduction in one leave day until/unless the member submits a revocation form to discontinue membership to Human Resources.

3) Employees must waive all claims to leave voluntarily donated sick leave in the Bank, including any monetary or retirement-related value the days may hold.

4) The Bank is available to those employees who have completely exhausted all sick, vacation and compensatory leave and who are not receiving disability or Worker's Compensation.

5) Employees joining the Bank must have eighty (80) leave hours remaining after making a donation.

6) Employees who wish to voluntarily participate in the Sick Leave Bank must sign a statement accepting these terms of the Bank.

7) Employees may not designate a particular individual to receive or to not receive their donated leave.

8) A request to utilize the Bank may be denied if the member fails to provide any requested documentation.

9) The Bank will be administered in accordance with the Americans with Disabilities Act and Family and Medical Leave Act requirements.

10) The maximum amount of donated sick leave any employee can receive shall be 960 hours.

~~In the event a regular employee is diagnosed, or the employee's spouse or resident minor children are diagnosed with a severe illness that results in prolonged absences, a donation of sick leave *hours* may be arranged. (Approved by Ordinance No. 11-34; October 3, 2011.) This program will be established at the request of the department head and with the approval of the City Administrator. Employee participation will be voluntary. The program would operate under the following guidelines.~~

~~1. The employee receiving the donated medical leave must use all accumulated sick leave, vacation and compensatory time before using donated hours.~~

~~2. The maximum amount of sick leave any employee can donate to any one individual shall not exceed 20 hours. Hours must be donated 5 hours at a time.~~

3. ~~The maximum amount of donated sick leave any employee can receive shall be 960 hours.~~
4. ~~Once donated sick leave hours are used, the donating employee can not reclaim the hours for their own use. Donated hours will be credited each pay period as needed to maintain the normal hours worked and paid assuming sufficient hours are available.~~
5. ~~The Finance department will maintain a confidential list of employees donating sick leave and when the time is to be transferred.~~
6. ~~All employees donating time must have at least 80 hours remaining in their account after donating.~~
7. ~~Each employee will be required to sign a form indicating they are donating sick leave.~~

**Sec. 5.30                    Administrative Leave.**

Department heads may ~~grant~~ make requests for employees paid administrative leave to the City Administrator, if approved, such leave will; not be chargeable to vacation leave under the following circumstances:

1. With department head approval, employees who are members of Civil Defense, ~~or~~ Volunteer Fire Department or are assisting with preparation, response, cleanup from a disaster, or are put on procedural administrative leave may qualify for administrative leave during scheduled work hours without loss of pay.
2. In the event of the death of a current or former City official or employee, employees may receive ~~department head~~-approved administrative leave time to attend the funeral provided adequate staffing can be maintained for the functioning of all city departments.

**Sec. 5.31                    Jury Duty/Witness Leave. ~~Tara starting here is where you left out on.~~**

In the event an employee is summoned to jury duty, the employee must notify his or her supervisor immediately after receiving such notification. If the employee is required to serve jury duty and this interferes with their regularly scheduled work day, the employee will not suffer loss of earnings. However, the employee must promptly turn over all jury pay to the City. Mileage payment for travel during jury duty is not considered a part of jury duty pay.

An employee must report for work on any day they are not assigned to jury duty and must report for work immediately upon the conclusion of their jury service. ~~The City will pay the difference between the pay received for jury duty and the pay earned on a normal work day.~~ If approved by the supervisor, an employee may start their shift earlier than normal or finish their shift later in order to facilitate workflow.

An employee called to be a witness in a court or administrative proceeding is entitled to receive their regular rate of pay for time spent as a witness for those matters arising out of and related to the

performance of their official duties for the City. However, the employee must promptly turn over all witness fees to the City. Paid witness leave is not available for time spent as an expert witness, for matters relating to any disciplinary or other action against the employee, or for matters that did not arise out of or are not related to the performance of the employee's official duties for the City. All decisions regarding witness leave shall be resolved at the sole discretion of the City Administrator.

**Sec. 5.32                    Voting Time.**

Any employee whose work schedule conflicts with the opening and closing hours of the polls will be given time off to vote. The employee must request the leave of absence for voting prior to or on election day and the supervisor may specify the period of absence.

**Sec. 5.35                    Election Work.**

If service as an election official is required by state statute as it is for jury duty, working as an election official is considered to be a public duty. ~~Therefore, the City will pay the difference between the pay received for working on the election day and the pay earned on a normal work day. The check you receive for doing election work serving as an election official must be signed over and given provided to City's Finance Department.~~

**Sec. 5.40                    Worker's' Compensation.**

As required by law, the City shall carry Worker's' Compensation Insurance. This insurance shall cover ~~all~~ work related accidental injuries, illnesses, or death while at work with the City.

All accidents must be reported immediately to an employee's immediate supervisor. The employee should complete an incident report, and give it to his/her supervisor who will promptly forward it to the department head for their analysis and signature. The department will promptly forward the incident report to the ~~City Clerks~~ Human Resources Director office or will require the employee to personally bring the report to the ~~City Clerks~~ Human Resources Director office for processing.

Repeated laxity in reporting injuries can result in disciplinary action.

If medical treatment costs are incurred, bills should be promptly sent to the ~~City Clerk~~ Human Resources Director. This information will be submitted to the insurance company to determine if the injury is compensable.

Compensation payments are determined by state and federal regulations. A seven day waiting period is normally involved before compensation begins.

However, if an employee is injured in the line of duty and is unable to work, the employee shall receive full pay from the City less the amount of any Worker's' Compensation payments for up to six months after the date of such covered injury. When an employee receives Worker's' Compensation checks from the insurance company for temporary total and partial disability benefit, the checks are

to be immediately turned over to the City since the employee is already being paid for the lost wages.

The City will not retaliate against an employee for seeking or receiving Worker's Compensation benefits to which they are entitled. Employees believing that they have been retaliated against must bring the matter to the attention of their supervisor. If this proves unsatisfactory or the employee is uncomfortable visiting with their supervisor regarding the matter, the employee should contact their department head. If this does not resolve the matter or this would prove uncomfortable, the employee may always contact the Human Resources Director directly.

**Sec. 5.50                    Holiday Leave.**

The City shall observe the following holidays during the year:

New Years Day	January 1
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas	December 25
Personal Holiday	One personal day off chosen by employee

Regular full-time employees are entitled to paid leave in observance of these holidays. These holidays are to be taken in whole day increments. The pay record and/or time sheet will be recorded as "holiday pay" and will be equal to the number of normally scheduled work hours for the employee's shift at the regular rate of pay except for Firefighters and Lieutenants. In addition, a regular employee may take two hours of holiday time one day a year to attend a religious observance of their faith.

If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed on the following Monday. For City departments or work groups who are normally scheduled to work on holidays, the department head may elect to have the work group observe the holiday on its actual day even when the holiday is on a weekend.

An employee terminating before the actual holiday is not eligible for holiday pay. ~~A holiday that occurs during an approved paid vacation will not be considered a part of the vacation. The employee will be entitled to an additional paid day off.~~ A holiday that occurs during an approved paid vacation will not be considered a part of the vacation. The employee will be entitled to an additional paid day off.—Regular employees, except for Firefighters and Lieutenants, scheduled to work during an observed holiday will be paid their regular rate of pay for the scheduled holiday hours as a part of the employee's holiday compensation. These hours are to be recorded as holiday hours on the time sheet. The employee will also receive one and one half times their regular rate of pay for all hours worked on the holiday except for Firefighters and Lieutenants who receive regular rate of pay.

Except for Firefighters and Lieutenants, all regular employees called in to work on an observed holiday will receive their normal holiday leave hours written into the holiday section of the time sheet. They will also receive one and one half times their regular rate of pay for the hours worked on the holiday. For example, a Water Department employee called in to work for two hours on Veterans Day will receive eight hours of holiday pay plus two hours of overtime for working on the holiday.

A regular part-time employee who would have normally been scheduled to work but was granted the time off on an observed holiday will receive the time off and their regular pay for that observed holiday.

Temporary and seasonal workers will receive one and one half times their regular rate of pay for all hours worked on an observed holiday.

### **Sec. 5.60 Leave of Absence Without Pay.**

A leave of absence may be granted to an employee for a compelling reason.

For purposes of accruing benefits the following criteria will apply:

1. ~~When a leave of absence is for less than 30 calendar days, the employee will continue to accrue benefits which are based on time in service.~~ When a leave of absence is for less than 30 calendar days, the employee will continue to accrue benefits which are based on time in service. All benefits that operate on an accrual basis will cease to accrue during any period of unpaid leave.
2. ~~When a leave of absence is for 30 calendar days or more, the employee will not continue to accrue benefits which are based on time in service. However,~~ When a leave of absence is for 30 calendar days or more, the employee will not continue to accrue benefits which are based on time in service. However, Benefits which are accrued up to the time of the leave of absence will be retained. Employees taking a leave of absence must first use up accrued compensatory time, vacation, and if appropriate, sick leave. The employee ~~may will may~~ also become responsible for paying their insurance premiums if they will be off work for at least one month after accrued compensatory time, vacation and if appropriate, sick leave are exhausted.

All requests for a leave of absence must be in writing and approved by the department head and the City Administrator.

A request for a leave of absence should be submitted at least two weeks in advance. An exception to this policy may be granted in emergency or special cases as approved by the department head and City Administrator.

An employee will be reinstated to his original position whenever possible after a leave of absence. However, the City does not guarantee the availability of the same position, in which case an attempt will be made to place the employee in a similar position, if available. Failure of the employee to

return to work at the expiration of the leave of absence will result in disciplinary action and may result in termination retroactive to the starting date of the leave.

An employee must make arrangements with the Finance Department before going on a leave of absence for payment of voluntary payroll deductions such as health insurance, ~~credit union~~, or long term disability insurance, if the employee will not receive enough pay to cover the deductions for one or more payroll periods. If, during an approved leave, an employee desires to have the City continue its contributions toward insurance coverages such as life insurance and health insurance (assuming family medical leave does not apply 5.70), the employee must use at least 30 hours of paid leave per week to maintain the City contribution. When the employee no longer has any paid leave, then the employee must pay the entire cost of the premium for the remainder of the approved leave to keep coverages in force. Ordinarily, a leave of absence will not be granted for more than three months. However, leaves for a specific purpose, such as military service or educational programs may be granted for longer than three months. No leave without pay shall be granted if, when combined with all other types of leave which the employee has taken or is available to the employee, will exceed a period of one (1) year's total leave except for employees covered by required military duty and as pursuant to military orders.

A holiday which occurs during an unpaid leave of absence of 14 days or more will be forfeited, no matter when the holiday falls in the leave period.

If an absence due to illness or injury extends beyond the accrued paid sick leave days, questions concerning benefits, etc. should be referred to the Human Resources Department for interpretation. The City may require certification, on a periodic basis, of an employee's continuing illness or disability by the employee's physician and/or a physician selected by the City. Applicable benefits may also be available under the Family Leave Policy.

**Sec. 5.70                      Leave of Absence (Family Medical Leave & Military Family Leave).**

The City will comply with the Family Medical Leave Act of 1993.

**I.            Eligibility for Leave**

- A. Any employee who has been employed by the City at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the commencement of the leave of absence is eligible for an unpaid family or medical leave of absence if certain conditions are met (“eligible employee”). In appropriate circumstances, the eligible employee will be returned to the same or an equivalent position following the leave.
  
- B. An eligible employee is entitled to family and medical leave for one or more of the following reasons:
  - (1) birth of a son or daughter, and care for the newborn son or daughter, if concluded within twelve (12) months of the birth of the child;

- (2) placement with the employee of a son or daughter for adoption or foster care, if concluded within twelve (12) months after placement;
- (3) care for the employee's spouse, child, or parent who has a serious health condition;
- (4) inability of the employee to perform the functions of his or her position due to a serious health condition;
- (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; or
- (6) care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next-of-kin of the servicemember.

## II. Required Notice

- A. If the necessity for the leave is foreseeable, an employee must provide the City with thirty (30) days advance written notice of a request for a leave. Leave is deemed to be foreseeable if it is for an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. It should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.

## III. Medical Certification

- A. An employee requesting leave based on a serious health condition, whether it involves the employee or family member, must obtain a medical certification form. The medical certification form must be completed and signed by the employee's health care provider. All FMLA forms may be printed from the U.S. Department of Labor website: <http://www.dol.gov/esa/whd/fmla>, or you can obtain the forms from the ~~payroll administrator~~ Human Resource Director.

The completed certification form ~~(WH-380-E or WH-380-F)~~ (FMLA) must be submitted within fifteen (15) calendar days of the requested leave, unless it is not practicable under the particular circumstances. Failure to provide the required medical certification may result in denial of all privileges and benefits under this policy and result in denial of re-employment upon completion of the leave.

- B. In all cases of leave for medical reasons, the City reserves the right to request a second medical opinion, at ~~our~~ the City's expense, if the validity of the first medical certification is in doubt. The City shall designate the health care provider to furnish the second opinion. If the opinions of the employee and the City's designated health care providers differ, the City may require the employee to obtain a third medical opinion at the City's expense. The third health care provider will be chosen jointly by the City and the employee. The third opinion is final and binding.

The City may request recertification no more often than every thirty (30) days, except where the employee requests an extension of leave or circumstances described by a previous certification have changed significantly. However, if the medical certification indicates that the minimum duration of the condition is more than 30 days, the City must wait until that minimum duration expires before requesting a recertification. In all cases, the City may request a recertification of a medical condition every six months in connection with an absence by the employee. the City may request recertification in less than 30 days if: 1) the employee requests an extension of leave; or 2) circumstances described by the previous certification have changed significantly; or 3) the City receives information that causes doubt upon the employee's stated reason for the absence of the continuing validity of the certification.

#### IV. Service members Certification

- A. An employee requesting leave based on a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, must provide the employee's supervisor with a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

An employee requesting leave based on a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, must also obtain a certification form from the ~~payroll administrator~~ Human Resource Director or U.S. Department of Labor website that must be signed and completed by the employee. The completed ~~certification~~ FMLA form (~~WH-384~~) must be submitted within fifteen (15) days of the requested leave, except in unusual circumstances. Failure to provide the required certification may result in denial of all privileges and benefits under this policy and result in denial of re-employment upon completion of the leave.

- B. An employee requesting leave to care for a covered servicemember with a serious injury or illness, must obtain a certification form from the ~~payroll administrator~~ HR Director or U.S. Department of Labor website that must be signed and completed by the employee. The completed certification form (~~WH-385~~) must be submitted within fifteen (15) days of the requested leave, except in unusual circumstances. Failure to provide the required medical certification may result in denial of all privileges and

benefits under this policy and result in denial of re-employment upon completion of the leave.

In lieu of a certification, the employee may submit as certification “invitational travel orders” or “invitational travel authorization” issued to any employee’s family member to join a qualified injured or ill servicemember at his or her bedside.

## **V. Length of Leave**

- A. Each eligible employee may be granted an unpaid family and medical leave, including maternity leave, for a period up to twelve (12) weeks (during any twelve (12)-month period). In determining eligibility for leave, a "rolling" twelve (12) month period is used, measuring backward from the date the employee first uses the leave.
- B. An eligible employee may be granted an unpaid family and medical leave to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, for a period of up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.
- C. An employee requesting leave will be required to use any unused accrued vacation, comp time and sick leave as part of the FMLA leave. Once such accrued vacation, comp time and sick leave is exhausted, the balance of the employee’s FMLA leave will be without pay.

## **VI. Benefits during Leave**

- A. An employee on a family or medical leave will be retained on the City’s health plan under the same conditions as active employees, except that the employee must make arrangements with the payroll administrator for timely payment of the employee's portion of the premium in order to continue such coverage, and if any premium payment is more than thirty (30) days late, coverage will be lost during the period of the leave. In circumstances where an employee is on paid leave (*i.e.*, the use of sick leave or vacation while on FMLA leave), the appropriate deductions will be made in the same manner as the employee's regular paycheck. All benefits that operate on an accrual basis will cease to accrue during any period of unpaid leave.
- B. In the event that an employee fails to return from leave, consistent with the terms of this policy, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless:
  - (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or

- (2) the failure to return stems from circumstances beyond the control of the employee.

## **VII. Return from Leave**

- A. An employee returning from leave will be reinstated to the same or an equivalent position upon his or her proposed return to work date, except that the employee will not be entitled to any employment rights or benefits greater than those he or she would have had in the absence of taking such a leave.
- B. In dealing with leaves involving a serious health condition of an employee, as a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, the City must receive a fitness-for-duty certificate from the employee's health care provider stating that the employee is able to resume work.

## **VIII. Reduced Work Schedule**

In limited circumstances, an employee who is eligible for family or medical leave may be permitted to work a reduced schedule or receive periodic time off from work.

In cases of a serious health condition of the employee or a family member, such leave may be permitted in circumstances when it is medically necessary, but appropriate medical certification will be required. In dealing with planned medical treatment, an employee is required to make reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations, and the City reserves the right to request rescheduling of such treatment in appropriate circumstances. Further, where a reduced work schedule is based on planned medical treatment, the City reserves the right to temporarily transfer the Employee to a comparable position that better accommodates the employee's recurring periods of leave.

~~In other cases in which an employee is eligible for family or medical leave, such as the birth, adoption or placement of a child, the City will review the individual circumstances involved when determining whether to allow leave on a reduced schedule.~~

Any time permitted based on a reduced work schedule will be treated in the same manner as absence under the family and/or medical leave policy, and such absence will be counted against the leave permitted under the policy.

### **Sec. 5.80 Absence Without Leave.**

Employees failing to report for or remain at work as scheduled or directed without proper notification, authorization, or excuse shall be considered absent without leave, shall not be in pay status for the time involved, and shall be subject to appropriate disciplinary action. Absence without leave for more than three work shifts or in the case of a firefighter, two work shifts, shall be considered an

abandonment of their duties, which shall ordinarily result in dismissal.

**Sec. 5.85                    Continued Employment While on Leave of Absence**

Employees who are on an approved leave of absence, whether paid or unpaid are normally prohibited from outside employment with another employer or being self-employed while on such leave unless the employee's written disclosure of the employment relationship is approved by the City Administrator. Military orders would be considered an exception to this rule. Employees who are found to be engaged in outside employment while on a leave of absence may be disciplined up to and including termination.

**Sec. 5.90                    Compassionate Leave.**

In the event of a death, serious illness, injury or similar major personal problem of a regular 20 hour or more a week employee's spouse, children, mother or father, brothers or sisters or immediate family, or the employee's spouse's children, mother or father or immediate family a department head may ~~grant~~ grant request compassionate leave for the employee, not to exceed three work shifts with pay, per occurrence, to a regular employee. Firefighters may use up to 24 working hours over two work shifts with approval of Fire Chief. Compassionate Leave request shall be made to and approved by the City Administrator.

When an event would also qualify under the sick leave benefit, sick leave will be the leave of first resort.

In the event of a death of an employee's brother's wives, sister's husbands, grandparents, grandchildren, aunts, uncles, nieces or nephews, or the employee's spouse's brothers and their wives, sisters and their husbands, grandparents, grandchildren, aunts, uncles, nieces or nephews a department head may grant an employee up to one work shift, with pay, to attend the funeral, wake or event related to the funeral.

## CHAPTER SIX

### PROBLEM SOLVING AND DISCIPLINE

#### **Sec. 6.10 Statement of Policy.**

The City of Columbus is interested in the establishment of good employee relation practices and the promotion of sound personnel management. Circumstances may arise, apart from disciplinary actions, which cause employee dissatisfaction. Therefore, the following procedures are established whereby employees are entitled to present their complaints without ~~fear of~~ ~~fear of~~ reprisal.

#### **Sec. 6.15 Informal Procedure.**

In keeping with the philosophy that employee problems should be resolved at the lowest possible level with a minimum of paperwork, it shall be the City policy to encourage employees to informally take any job-related complaints to their immediate supervisors. Supervisors shall listen with care to employees, shall attempt to understand their points of view and shall provide clear and timely responses to their complaints. An employee remaining dissatisfied with a working condition, reprimand, or other aspect of employment not subject to the disciplinary appeal procedure, may then use the formal grievance procedure.

#### **Sec. 6.20 Chain of Command.**

All requests from elected City officials requiring action by City personnel are to be channeled through the City Administrator. ~~City of Columbus Organization Chart is attached.~~

#### **Sec. 6.25 Formal Grievance Procedure.**

An employee may submit a written grievance to his or her immediate supervisor within seven calendar days after the cause of the grievance arises or becomes known to the employee. The grievance shall clearly state the basis for the complaint and the relief requested. The supervisor shall discuss the grievance with the employee as necessary and shall provide a written response within seven calendar days after receipt. An employee remaining dissatisfied may then submit the grievance to the next higher supervisor within seven calendar days following receipt of the initial response, and so on up to the City Administrator if necessary. Time limits shall be strictly enforced. Late submission of a grievance at any stage of the procedure shall bar its consideration. Similarly, if a supervisor below the level of the City Administrator should fail to provide a written response within seven calendar days after receipt of the grievance, the employee shall be allowed to take the grievance to the next higher supervisor.

As the final authority for grievances the City Administrator shall conduct any necessary investigation and/or hearing. If the City Administrator determines that a hearing is necessary, the employee shall be afforded an opportunity to attend, to be represented by anyone of his or her choosing, and to present evidence and/or witnesses in his or her behalf. The City Administrator shall provide the final written response to a grievance within ten calendar days after receipt or, if a hearing is held, within ten

calendar days following conclusion of the hearing.

In the event the grievance is made against the City Administrator, the Mayor or his/her designee shall perform the duties and act as final authority.

**Sec. 6.30 Reprimands.**

A form of guidance which may be oral or written, and which should be used not only to warn an employee, but also to guide, direct, and instruct the employee how to correct and avoid repeating a mistake, infraction, deficiency, or problem.

1. **Verbal Reprimand:** Verbal reprimands shall be considered the normal means of correcting the actions of a subordinate and shall be used in cases of mistakes, inefficiency, or other factors which adversely affect an employee's ability to efficiently carry out his/her duties and responsibilities. Any supervisor may reprimand their subordinate at any time for cause and shall inform the employee specifically of the problem and shall give them counsel and assistance. A reasonable period of time for improvement may be allowed before initiating further action. Verbal reprimands will normally be given in a private session.

A written record of the date and reason(s) why a verbal reprimand was issued shall be ~~kept by the supervisor.~~ given to the Human Resource Director.

2. **Written Reprimand:** In situations where a verbal reprimand has not resulted in the expected improvement or when more severe initial action is warranted, a supervisor may issue a written reprimand to the employee clearly stating the reasons for the reprimand and indicating what further action may be taken if the problem is not corrected. The employee will acknowledge receipts of the reprimand with their signature and may respond in writing stating the reasons why they feel the reprimand is unjust.

A copy of the reprimand, along with the employee's acknowledgment of receipt and any written response, will be placed in the employee's personnel file.

3. **Appeals of Reprimands:** Verbal or written reprimands may be appealed through the grievance procedure provided for in Section 6.25 of these rules.

**Sec. 6.35 Disciplinary Actions.**

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall take prompt action, appropriate to the seriousness of the situation. Disciplinary action shall be divided into two classes as follows:

- |          |  |
|----------|--|
| Class I  | Loss of vacation, benefits, compensation or other privileges, except pension benefits. |
| Class II | Suspension, demotions, and termination.  |

**Sec. 6.40 Causes for Class I and Class II Disciplinary Action - Civil Service Employees.**

Civil Service employees employed by the City of Columbus shall be designated by the definition in Revised Statutes of Nebraska, Sec. 19-1829; "The Civil Service Act shall only apply to full-time firefighters or full-time police officers of each municipality, including any paid full-time police or fire chief of such department."

Class I and Class II disciplinary actions may be applied to civil service employees for the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty.
2. Dishonesty, prejudicial conduct, immoral conduct, insubordination of a lawful order, discourteous treatment of the public or a fellow employee, any act of omission or commission tending to injure the public service, and willful failure on the part of the employee to properly conduct themselves, or any willful violation of the Civil Service Act or the rules and regulations adopted pursuant to such act.
3. Mental or physical unfitness for the position which the employee holds.
4. Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of their position.
5. Conviction of a felony or misdemeanor tending to injure the employee's ability to effectively perform the duties of their position.
6. Any other act or failure to act which, in the judgment of the Civil Service Commissioners, is sufficient to justify the offender to be an unsuitable and unfit person to be employed in the public service.

**Sec. 6.45 Causes for Class I and Class II Disciplinary Action - Non-Civil Service Employees.**

Class I and Class II disciplinary action (6.35) may be applied to non-civil service employees for any of the following reasons:

1. The employee has been incompetent, negligent, or inefficient to such an extent that their job performance falls below a reasonable minimum standard.

2. The employee has willfully violated any of the provisions of the City Code or of these rules; or has attempted to, or does commit any act or acts intended to nullify or mitigate any of the provisions thereof.
3. The employee has been convicted and sentenced in any court of competent jurisdiction for a felony or a crime involving moral turpitude under the laws of this state, or any other state, or of the United States, provided such conviction is deemed to be detrimental to the effective performance of the duties and responsibilities of the position.
4. The employee has been offensive or brutal in their treatment of public charges, fellow employees, or other persons.
5. The employee has some permanent or chronic physical or mental ailment or defect which incapacitates the employee from the proper performance of the employee's essential duties or which creates an undue risk to the employee or others.
6. The employee has violated any lawful official regulation or order or failed to obey any lawful and reasonable directions given by their superior when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss or injury to the city or to the public.
7. The employee has been on duty or reported to duty while under the influence of intoxicating liquors or beverages, narcotic drugs not prescribed for their use by a licensed physician, or who had indulged in the use of the same while on duty.
8. The employee has taken for personal use a fee, gift, or other valuable thing in the course of the employee's work or in connection with it when such a fee, gift, or other valuable thing is given the employee by any person in the hope or expectation of receiving a favor or better treatment than accorded other persons.
9. The employee is careless or negligent of the property of the city, or steals, misplaces, or misuses equipment, materials, property, or any other thing of value belonging to the city.
10. The employee is engaged in outside employment or private business or in a trade or occupation in violation of Rule 7.40.
11. The employee has been guilty of using, threatening to use, or attempting to use political influence or to exert unethical pressure on any city employee or officer in securing promotion, transfer, leave of absence, increased pay, or other favors.
12. The employee has intentionally falsified time records or given false information on his application for employment. This falsification includes swapping of time and time not recorded properly.
13. The employee has been absent from duty without leave or contrary to department policies; or

has failed to report after such a leave of absence has expired or within a reasonable time after such leave of absence has been revoked.

14. The employee has failed to call their superior according to department policy to let the superior know when the employee will be tardy or absent because of sickness or other causes so that it affects the efficient performance of the employee's duties or the morale of fellow employees.
15. The employee has been habitually tardy or absent from duty without sufficient cause.
16. The employee has claimed to be sick when physically fit for duty.
17. The employee has participated in any political campaign or activity prohibited under Rule 7.60 of these rules and regulations.
18. The employee has been antagonistic in their attitude toward their superiors or fellow employees, criticizing orders or rules issued and policies adopted by their superiors; or so conduct themselves to interfere with the proper coordination of the employees of the City to the detriment of efficient public service.
19. The employee used a City vehicle or equipment for personal use, or allowed unauthorized persons to ride in city vehicles, or used emergency or standby vehicles for transportation to and from residence other than when serving standby duty.
20. The employee has engaged in the harassment or unfair treatment of any person because of political or religious opinions, or affiliations, or because of race, color, national origin, marital status, veteran status, age, sex, or physical disability.
21. The employee has engaged in the unauthorized disclosure of official information.
22. The employee has failed to observe rules relating to the health and safety of employees or of the rules relating to the direction of personnel in the department.
23. The employee has committed acts detrimental to the good order, discipline, and repute of the City service.
24. The employee has acted in a manner not aforementioned specified which tends to lower discipline or morale within the City service or adversely affects the rendering of prompt, courteous, and efficient service by the City and its employees to the public.

**~~Sec. 6.15~~ — ~~Informal Procedure.~~**

~~In keeping with the philosophy that employee problems should be resolved at the lowest possible level with a minimum of paperwork, it shall be the City policy to encourage employees to informally take any job-related complaints to their immediate supervisors. Supervisors shall listen with care to employees, shall attempt to understand their points of view and shall provide clear and timely~~

~~responses to their complaints. An employee remaining dissatisfied with a working condition, reprimand, or other aspect of employment not subject to the disciplinary appeal procedure, may then use the formal grievance procedure.~~

**Sec. 6.50 Procedure for Class I Disciplinary Action (Section 6.35).**

When a department head deems such action is necessary, appropriate, and in the best interest of City service, a department head may recommend to the City Administrator that an employee be subject to a Class I Disciplinary Action. The recommendation shall be in writing and shall contain the reasons why it is necessary for the department head to recommend disciplinary action, the type of, and recommended duration of the disciplinary action. The City Administrator, after reviewing all the facts, shall either approve, reject, or modify the recommendations of the department head. In the case of those employees over which the City Administrator is not the appointing authority, the City Administrator shall forward both recommendations to the appropriate appointing authority. The appointing authority, after reviewing all the facts shall either approve, reject, or modify the recommendations of the City Administrator. After the appointing authority has taken the appropriate action, the employee shall be notified in writing of the disciplinary actions and the reasons therefore. The employee shall have the right to appeal any Class I disciplinary action to the appropriate appointing authority within ten (10) calendar days after such notification.

**Sec. 6.55 Procedure for Class II Disciplinary Action – Civil Service Employees (Section 6.35).**

1. No employee in the civil service who shall have been permanently appointed or inducted into the civil service shall be removed, suspended, demoted, or terminated~~d~~, except for cause, and then only upon the written accusation of the Police or Fire Chief, City Administrator, Mayor, or any citizen or taxpayer. The written accusation shall set forth the alleged misconduct, charges, or grounds for investigation against the employee.
2. If the written accusation is made by a citizen or taxpayer, it shall be filed with the Mayor, or the City Administrator, or the Secretary of the Civil Service Commission who shall cause a copy of such written accusation to be delivered within 24 hours (excluding weekends and holidays) after the filing to the Police Chief or Fire Chief, and to the City Administrator if filed with the Mayor or the Commission Secretary.
3. A temporary and immediate suspension may be affected when there is need to remove the employee from the work place promptly because of a possibility of violence, disruption of work, insubordination of a lawful under the apparent influence of intoxicants or drugs, or for any other reason which requires prompt removal. A temporary and immediate suspension may be imposed by the City Administrator, department head, or immediate supervisor. A temporary and immediate suspension shall be with pay until such time as there is compliance with procedures established herein.
4. The Police or Fire Chief shall, within ~~a reasonable period of time~~ **10 business days**, investigate the alleged misconduct, charges, or grounds against the employee and explain the basis of the

employer's evidence to the employee and provide the employee an opportunity to present their version of the circumstances which resulted in the filing of the written accusation. If the Chief's investigation reveals other misconduct or charges, the Chief shall file an additional written accusation to include the other misconduct, charges, or grounds in accordance with the above procedure. Upon completion of this procedure, the Police or Fire Chief shall recommend in writing to the City Administrator that the alleged misconduct, charges, or grounds set forth in the written accusation or accusations be deemed:

- a) To be without merit.
  - b) To not warrant disciplinary action.
  - c) To warrant disciplinary action less severe than removal, demotion, termination, or suspension, with or without pay **such as an oral or written reprimand.**
  - d) To warrant removal, demotion, termination, or suspension with or without pay.
5. Within five working days after receiving the written recommendation of the Police or Fire Chief, the City Administrator shall decide to accept the recommendation of the Police or Fire Chief, or shall decide that alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation be deemed:
- a) To be without merit.
  - b) To not warrant disciplinary action.
  - c) To warrant disciplinary action less severe than removal, demotion, termination, or suspension, with or without pay, such as an oral or written reprimand.
  - d) To warrant removal, demotion, termination, or suspension with or without pay.
  - e) To recommend stronger discipline.

The City Administrator shall forward a copy of the City Administrator's recommendation with the Chief's recommendation to the Mayor.

6. Within five working days after receiving the written recommendation of the City Administrator and the Chief, the Mayor shall decide to accept the recommendation of the City Administrator and/or Police or Fire Chief, or shall decide that the alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation be deemed:
- a) To be without merit.
  - b) To not warrant disciplinary action.

- c) To warrant disciplinary action less severe than removal, demotion, termination, or suspension, with or without pay **such as an oral or written reprimand.**
- d) To warrant removal, demotion, termination, or suspension with or without pay.
- e) To recommend stronger discipline.

The Mayor shall, within 21 working days of having received the City Administrator's statement, submit his decision to the City Council for its approval. After approval of the City Council, the Mayor shall cause a copy of such decision to be filed, within 24 hours after the action of the City Council, with the Secretary of the Civil Service Commission, the Police or Fire Chief, and employee, personally or by certified mail, addressed to the employee at the residence address of the employee shown in the personnel records. The Secretary of the Commission shall cause a return showing such delivery or mailing to be executed and filed in the Secretary's office.

- 7. In the event the Police or Fire Chief is being disciplined, the City Administrator or Mayor shall follow the same procedures as are followed by the Police or Fire Chief in disciplining employees under this procedure.
- 8. Any employee so removed, suspended, demoted, or terminated may, within ten calendar days after receiving written notice of the Mayor's decision, file a written demand for an investigation and a hearing by the Civil Service Commission. The employee shall file the request for the hearing with the secretary of the Commission and simultaneously send a copy of the request to the City Administrator and Mayor. The failure to file such a request with the secretary of the Commission within ten calendar days of receipt of notice of the action by the Mayor, shall constitute a waiver of the employee's right to review by the Civil Service Commission, and the Mayor's decision shall become final.
- 9. Within five calendar days of receipt of the employee's notice of appeal, the City Administrator shall cause to be mailed or delivered the following notice to the employee and secretary of the Civil Service Commission:
  - a) A statement of the charge(s).
  - b) The names of the witnesses who will be called on behalf of the Mayor and general statement of the nature of their testimony.
  - c) Copies of the documents to be introduced.
- 10. Within five calendar days of the filing of the written demand for an investigation and a hearing by the Commission, the employee shall mail or deliver the following ~~to~~ to the City Administrator and Commission:
  - a) A response to the statement of the charge(s).

- b) The names of the witnesses who will be called on behalf of the employee and a general statement of the nature of their testimony.
  - c) Copies of the documents to be introduced.
11. Upon receipt of a written demand, the Commission shall conduct an investigation. The Commission may be represented in such investigation and a hearing by the City Attorney if authorized by the Mayor. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission for any such investigation and hearing.

The investigation shall consist solely of a review of the written submissions of the Mayor and employee to determine whether any individuals or documents should be subpoenaed by the Commission for the subsequent public hearing before the Commission ultimately to determine whether the Mayor acted in good faith for cause. Good faith for cause shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

12. The Commission shall schedule a hearing no less than ten, nor more than twenty, calendar days from the date of filing of the employee's written demand for an investigation. The Commission shall notify the City Administrator, the Mayor, and the employee, in writing, at least ten calendar days prior to the date of the hearing, of the date, time, and place of the hearing.
13. ~~The Mayor shall be permitted to appear in person and by counsel and to present the mayoral case. The Mayor may present evidence by testimony and documents and shall be permitted to cross examine the employee's witnesses. At the hearing, the employee shall be permitted to appear in person and by counsel and to present their defense. The employee may present evidence by testimony and documents and shall be permitted to cross examine the witnesses called by the Mayor.~~ Per Officer Sealock, this should be removed.
14. The Commission may affirm the action taken by the Mayor if such action is supported by a preponderance of the evidence. If the Commission finds that the removal, suspension, demotion, or termination was made for political or religious reasons, or for unjust cause, it shall order the immediate reinstatement or reemployment of such employee in the position or employment from which such employee was removed, suspended, demoted, or terminated, which reinstatement shall, if the Commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion or termination.
15. After the hearing, in lieu of affirming the removal, suspension, demotion, or termination, the Commission may modify the order of removal, suspension, demotion, or termination by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay. No later than ten calendar days after the hearing the Commission shall certify its findings in writing to the employee, City Administrator, and Mayor who shall enforce them.

**Sec. 6.60 Procedure for Class II Disciplinary Action – Non-Civil Service Employees (Section 6.35).**

No employee in the City service who shall have been permanently appointed or inducted into City service shall be removed, suspended, demoted, or terminated, except upon the written accusation of their department head, City Administrator, any citizen, or taxpayer.

1. Suspensions of Two Days or Less.

A department head, or the City Administrator, may suspend, without pay, any employee (other than one covered by Civil Service) for two days or less for cause, refer to 6.45. Prior to imposing the suspension, the department head shall meet with the employee to discuss the proposed action.

2. Temporary and Immediate Suspension.

A temporary and immediate suspension may be affected when there is need to remove the employee from the work place promptly because of a possibility of violence, disruption of work, insubordination, damage to property or persons, or if any employee is under the apparent influence of intoxicants or drugs, or for any other reason which requires prompt removal. A temporary and immediate suspension may be imposed by the City Administrator, department head, or immediate supervisor. A temporary and immediate suspension shall be with pay until such time as there is compliance with procedures established herein.

3. Suspension of More than Two Days and Demotions.

When a department head deems such action is necessary, appropriate, and in the best interest of the City service, a department head may recommend to the City Administrator an employee be suspended or demoted. The recommendation shall be in writing and shall contain the reasons why it is necessary for the department head to recommend suspension or demotion, and the type, plus the recommended duration of the suspension or demotion. The City Administrator, after reviewing all the facts, shall either approve, reject, or modify the recommendations of the department head. In the case of those employees over which the City Administrator is not the appointing authority, the City Administrator will forward both the City Administrator's and the department head's recommendations to the appropriate appointing authority. The appointing authority, after reviewing all the facts, shall either approve, reject, or modify the recommendations of the City Administrator. After the appointing authority has taken the appropriate action, the employee shall be notified in writing of the disciplinary actions and the reasons therefore. An employee may be suspended or demoted with or without pay for:

- a) A reasonable period of time, not to exceed 30 days when alternative personnel actions (demotions, dismissal, etc.) may not be warranted, appropriate, or deemed in the best interest of the City service.
- b) An indefinite period pending the investigation of charges leading to possible

termination or where the employee is charged with and awaiting trial for a criminal offense. An employee may use a combination of up to 80 hours of accrued vacation or compensatory time per the approval of the City Administrator.

4. Dismissal.

Dismissal is the removal from the City service of a City employee ~~who has successfully completed the introductory period~~. Either department heads or the appointing authority may initiate dismissals.

A City employee may be dismissed when alternative personnel actions, (i.e. verbal warning, written reprimand, demotion, or suspension) would not be considered sufficient or in the best interest of the City. All recommendations by department heads for dismissals shall be submitted to the City Administrator, who in turn will forward them, with the City Administrator's recommendation, to the appropriate appointing authority. All dismissals shall be made by the appointing authority who may modify a dismissal recommendation and impose an alternative disciplinary action other than a dismissal. The employee shall be given a written notice, at least one calendar week in advance, of the proposed effective date of the dismissal. The notice of dismissal shall contain the reasons, statement on employee's rights, including the right to answer all charges in writing, and the right to a hearing.

5. Appeals.

Any employee suspended, demoted, or terminated may, within ten calendar days after such action or after receiving written notice of such proposed action, request in writing, a hearing by the appointing authority.

If the employee fails to respond within ten calendar days, the proposed action shall be effective on the date specified with no need for further action. If the employee requests a hearing, the appointing authority shall promptly set a date and time for the hearing and give the employee reasonable written notice. The employee shall be informed in the written notice of the employee's rights at such hearing, including the right to be represented. The appointing authority may conduct the hearing personally or may appoint a hearing officer for this purpose.

The hearing afforded by this section shall be informal in nature. The rules of evidence shall not apply. At the hearing, the appointing authority may consider and give such weight as he or she deems appropriate to written statements and reports which are offered in evidence, whether such statements are sworn or unsworn. The persons giving the statements need not be called as witnesses at the hearing unless otherwise ordered by appointing authority or the designated hearing officer. The appointing authority may permit, prohibit, or limit cross-examination of witnesses as he or she determines appropriate in his or her sole discretion, or may require that questions be put to witnesses through the hearing officer. There shall be no prehearing discovery unless the appointing authority or designated hearing officer determines in his or her sole discretion that good cause exists for permitting limited discovery. The employee shall be permitted to appear at the hearing and give testimony concerning the reasons given for the possible termination of his or her employment. The employee shall also

have the right to be represented at the hearing.

After such hearing, the appointing authority shall carefully consider all evidence presented at the hearing before making a final decision and may reverse, modify, or confirm any disciplinary action taken or proposed. The employee will be informed in writing of such decision.

**Sec. 6.87 Performance Appraisals.**

It is the policy of the City that the job performance of each employee should be evaluated periodically by the employee's supervisor. However, it is the responsibility of the employee to speak up and request such appraisal from the supervisor if it is delayed at all. If prompt action is not taken by the supervisor, the employee is responsible to promptly request from their department head that the appraisal be completed.

1. Supervisors should complete performance appraisals upon the following types of occasions:
  - a) Prior to the annual salary review or on the anniversary date of employment.
  - b) Requiring terminating supervisor to do evaluations of all employees whose evaluations are due within 90 days.

If a performance appraisal has been completed within one month prior to one of the above occasions, a new appraisal need not be completed, except in cases involving discipline or termination. Between scheduled appraisals, supervisors should discuss with employees, on an informal basis, any performance issues (negative or exemplary) which warrant attention and should keep records of any significant incidents. Employees should retain a copy of all appraisals for appropriate later review.

2. Supervisors, in evaluating employees, should consider such factors as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include, but are not limited to, knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
3. Supervisors, in completing evaluations, should prepare a written appraisal of each employee's job performance, using a City Administrator approved form. Such an appraisal should include the supervisor's comments, recommendations, and performance goals for the next evaluation period. In an atypical evaluation, an alternate type of appraisal form may be more appropriate.
4. Department heads should review each supervisor's written evaluation to help assure the evaluation function has been properly completed in as fair and objective a manner as possible.
5. After the written evaluation has been reviewed by the department head, the supervisor and

employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the department head for review and approval. The form will then be forwarded to the Human Resources Director who reviews the appraisal form with the City Administrator before placing it in the employee's personnel file.

6. Employees, who have added written comments to their performance appraisal, but feel an additional communication is necessary, may request an interview with their department head or the Human Resources Director or implement the grievance procedure.
7. Information derived from the performance appraisal may be considered when making decisions affecting an employee including, but not limited to, decisions concerning training needs and opportunities, pay, promotion, transfer, or continued employment.
8. The procedures discussed in this policy are only guidelines. The City may unilaterally modify or revoke them in whole or in part from time to time. Accordingly, these procedures are not a promise or contract, express or implied, that they will be used in every instance.

The Human Resources Director shall then review the performance appraisal form and transmit it, with the appropriate comments, to the City Administrator for whatever action may be deemed necessary.

Should the employee receive an unsatisfactory performance rating ~~the employee will reviewed again within three months.~~ any pay increase the employee may be eligible to receive will be withheld until the employee receives a satisfactory performance rating, the employee will be reviewed again within three months. Any pay increase will only become effective after a satisfactory performance appraisal.

## CHAPTER SEVEN

### EMPLOYEE RESPONSIBILITIES AND CONDUCT

#### **Sec. 7.10 Behavior of Employees.**

It is the policy of the City that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the City and for the benefit and safety of all employees. Conduct which interferes with operations, discredits the City, or is offensive to customers or fellow employees will not be tolerated.

1. Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the City. Such conduct includes:
  - a) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time.
  - b) Giving proper advance notice whenever unable to work or report on time.
  - c) Complying with all City safety and security regulations.
  - d) Wearing clothing appropriate for the work being performed.
  - e) Maintaining work place and work area cleanliness and orderliness.
  - f) Treating all citizens and fellow employees in a courteous manner.
  - g) Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the City's best interests.
  - h) Performing assigned tasks efficiently and in accord with established quality standards.
  - i) Reporting to department heads, or in those cases where a department head is involved, to the Human Resources Director or City Administrator any suspicious, unethical, or illegal conduct by fellow employees, suppliers, or contracting organizations.
  - j) Treating their supervisors with respect and carrying out instructions to the best of their ability without delay or quarrel.
2. The following conduct is prohibited and will normally subject the individual involved to disciplinary action, up to and including termination.
  - a) Reporting to work with alcohol on their breath or under the influence of alcoholic beverages and/or illegal drugs and narcotics, or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs and narcotics on City premises unless such possession is a necessary part of the job assignment ~~as in evidence confiscated by a~~

~~police officer.~~

- b) Use of profanity or abusive language.
  - c) Possession of firearms or other weapons on City property unless authorized by the City Administrator or department head.
  - d) Insubordination of a lawful order or the refusal by an employee to follow management's instructions concerning a job-related matter.
  - e) Physical assault on a fellow employee or citizen.
  - f) Theft, intentional destruction, defacement, or misuse of City property or resources or of another employee's property.
  - g) Gambling on City property.
  - h) Falsifying or altering any City record or report, such as an application for employment, a medical report, a production record, a time record, an expense account, an absentee report, or shipping and receiving records.
  - i) Threatening or intimidating management, supervisors, security personnel, or fellow workers.
  - j) Use of tobacco products, if prohibited by local ordinance or City rules.
  - k) Horseplay, pranks, or practical jokes of a malicious nature.
  - l) Unauthorized sleeping on the job.
  - m) Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
  - n) Improper attire or inappropriate personal appearance.
  - o) Engaging in any form of ~~unlawful~~ ~~unlawful~~ harassment.
  - p) Violation of City policies on solicitation or distribution.
  - q) Improper disclosure of confidential information.
3. The examples in part (2) of 7.10 are illustrative of the type of behavior that will not be permitted, but are not intended to be an all-inclusive listing. Any questions in connection with this policy should be directed to your supervisor or the Human Resources Director.

**Sec. 7.20 City Property.**

Employees shall be responsible for the proper care and use of all City property entrusted or available to them. Employees damaging or losing City property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss. City equipment, keys, materials, and supplies shall not be used for private purposes and shall not be removed from authorized locations without proper supervisory approval. Employees leaving the City service shall return any tools, uniforms, or other City property issued to them before receiving their final pay.

**Sec. 7.25 Absenteeism.**

1. Unnecessary absences should be absolutely avoided. Employees are hired because they are needed to carry out the department workload, so unexpected and unnecessary absences disrupt the normal work routine. Often, other department employees will have to carry your workload in your absence.
2. Any absence, for any reason, should be reported immediately to the supervisor or the department head and the following information reported:
  - a) Specific reason for absence.
  - b) Expected time or date of return.
  - c) Always report any change in the time of return to the department head or supervisor.
3. Absence due to illness or injury must be reported each day, unless the employee and department head or immediate supervisor have personally agreed to a more extended period of time.
4. Chronic absenteeism will result in disciplinary action, including possible termination.

**Sec. 7.30 Assigned Vehicles.**

The City Administrator may assign City vehicles to department heads, and certain other employees for use during normal duty hours and for transportation between home and work. Such vehicles shall otherwise be used only for official purposes as determined by the City Administrator.

**Sec. 7.40 Secondary Employment.**

Employees may engage in outside employment which does not involve the use of City time, equipment, supplies, uniforms (in whole or part) and which does not create a conflict of interest with their City position, or which does not so fatigue the employee that it adversely affects their job performance. Before engaging in such employment, the employee shall notify their department head and annually thereafter on their anniversary date. The first such notification, which shall be in writing, shall include the place of employment, phone number of employer, a brief job description, hours of

employment, and such additional information the department head may require. Annually thereafter, the disclosure is to be written into the annual employee appraisal form.

If the department head believes any present or proposed outside employment violates Section 7.70, the department head may, after consultation with the City Administrator, require the employee to modify, not accept, or terminate such employment.

**Sec. 7.45                      Private Business Activities.**

Employees shall not engage in private business activities during their scheduled working hours and shall not use City property or facilities for such activities.

**Sec. 7.50                      Workplace Violence.**

The City is concerned about the increased levels of violence prevalent in our society and has taken affirmative steps to prevent incidents of violence from occurring in the workplace. All acts or threats of violence by any City employee against any other employee, client, contractor, vendor or visitor, on or off City property, is strictly prohibited. Violation of this policy can lead to disciplinary action, up to and including immediate termination.

If you observe or are aware of any workplace violence, threats of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, or other suspicious activity or incidents that have or could lead to violence in the workplace, you shall immediately bring the incident to the attention of your supervisor. If that is not feasible, would prove to be uncomfortable, or you are not satisfied with your supervisor's handling of the complaint, bring the matter to the attention of the department head. If none of these alternatives are feasible or do not address the problem, contact the Human Resources Director or City Administrator.

The City will promptly investigate all reports of actual or threatened workplace violence in as confidential of a manner as possible and take appropriate corrective action if warranted.

Under no circumstances will a department head or supervisor be allowed to intimidate or retaliate against an employee for making a report under this policy.

**Sec. 7.55                      Weapon-Free Workplace Policy.**

To ensure that the City maintains a workplace safe and free of violence for all employees and visitors, the City prohibits the possession or use of Dangerous Weapons on City Property or while performing City business except for sworn officers. A license or permit to carry or possess any weapon does not supersede City policy.

"City Property" is defined to include all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, green spaces and parking lots under the City's ownership or control. It also includes all City-owned or leased vehicles and all vehicles that come onto City Property.

"Dangerous Weapons" includes, but is not limited to, firearms, explosives, knives (other than those used to perform your duties at the City), swords and other weapons or objects that might be considered dangerous by the City or that are capable of being used to inflict severe bodily injury upon another. Employees are responsible for making sure that any item possessed by the employee is not a Dangerous Weapon.

**Because employees do not have a reasonable expectation of privacy with respect to their work at the City, the City reserves the right to monitor City Property and those present on City Property at any time.** This includes the right to conduct reasonable searches of all City Property, and all vehicles including such things as packages, containers, briefcases, purses, coats, bags, lockers, desks, computers, cell phones and enclosures present on City Property as well as persons entering upon City Property. As a condition of employment and as a condition for entering upon City Property, all employees and visitors are required to promptly submit to a reasonable search upon request as provided in this policy.

Any employee who violates this policy is subject to disciplinary action, up to and including termination. Any visitor who violates this policy will be denied access to the City Property.

#### **Sec. 7.60 Political Activity.**

Employees are free to vote and support candidates for public office as they may desire; provided they do not engage in political activities during their working hours or use City property to do so, city uniforms or facilities for such activities. **All non-City** political campaign buttons shall not be worn while an employee is on duty. No supervisor or other person in authority shall require an employee to support a candidate or political activity.

#### **Sec. 7.70 Conflicts of Interest.**

No employee shall engage in any activity or enterprise which conflicts or creates the appearance of conflicting with the employee's City duties or with the duties, function, or responsibilities of the City. The City Administrator or the Human Resources Director may prohibit particular activities which would create conflicts of interest in their specific organizational environments. Employees shall be encouraged to seek advance determinations regarding possible conflict of interest situations. The following employee activities shall generally constitute conflicts of interest and may in some cases also be criminal acts:

1. Engaging in any activity or enterprise involving the use of City time, facilities, equipment, materials, supplies, badge or other identification other than for City purposes.
2. Receiving or accepting money or other consideration from any person or entity other than the City for the performance of any service which the employee of the City would normally be required or expected to render or for preferential or favorable treatment in relation to others.
3. Having a direct financial interest in any contract with the City or a direct financial interest in the provision of equipment, materials, supplies, or services to the City, except as may be disclosed to and approved by the Mayor and City Council.

**Sec. 7.75                      Family and Friends in the Workplace.**

Employee's family and friends are welcome to visit the workplace, provided the visits are infrequent, brief and take place in a fashion that limits disruption to the workplace.

**Sec. 7.80                      Solicitation.**

It is the policy of the City to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

1.        The City limits solicitation and distribution on its premises because, when left unrestricted, such activities can interfere with the provision of City services, can be detrimental to employee efficiency, can be annoying to citizens (who are the customers of City services), and can pose a threat to security.
2.        Department heads are responsible for administering this policy and for enforcing its provisions. Employees will be subject to disciplinary action for violations of this policy (See Chapter 6).
3.        Persons who are not employed by the City are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers approved by the Human Resources Director), or engaging in any other solicitation or similar activity on City premises.
4.        The City Administrator may authorize a few fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives. However, employees are not to be discriminated against because of their willingness or unwillingness to participate.
5.        Employees are permitted to engage in solicitation or distribution of literature for any group or organization, including charitable organizations, only in accordance with the following restrictions:
  - a)        The sale of merchandise is prohibited on City premises unless approved by the affected department head.
  - b)        Solicitation and distribution of literature are prohibited during the working time of either the employee making the solicitation or distribution, or the targeted employee. The term "working time" does not include an employee's authorized lunch or rest periods or other time when the employee is not required to be working. All literature of sales needs solicitation materials shall to be left provided in the breakroom for employees to see review, during your breaks, before/after working hours. or outside of working hours.
  - c)        Distribution of literature is prohibited in work areas at all times.

- d) The distribution of literature in such a manner as to cause litter on City property is prohibited.
  - e) Off-duty employees are requested not to return for the purposes of solicitation.
6. The City maintains bulletin boards to communicate City information to employees and to post notices required by law. These bulletin boards are for the posting of City information and notices only, and only persons designated by the department heads may place notices on or take down material from the bulletin boards.

**Sec. 7.81                      Email**

The City provides employees with electronic business communication tools, including an email system. This policy will govern acceptable use of this system, regardless of where such use occurs.

The policy applies to employees' use of desktop computers, laptops, smartphones, and other hand-held devices, whether provided by the city, owned by the employee or a third party. It applies to employees, independent contractors, interns, volunteers, consultants, agents and third parties including but not limited to suppliers and vendors.

Any employee who violates the email policy is subject to disciplinary action up to and including termination.

The email system is provided primarily for business purposes. Employees may use the City email system for limited personal use strictly in accordance with this policy.

Employees may use the email system to communicate with family, school, and other minimal personal dealings outside of City business. The time involvement should be short and require little more time needed than is available on breaks. Spending more than minimal time or sending a substantial volume of personal or private business email would be considered a violation of this policy. Other types of activities which would violate this policy would include soliciting money for causes or personal gain and campaigning for political causes or candidates.

The email system is the property of the City. All passwords, user IDs and messages created and transmitted are the property of the City. The City reserves the right to monitor all email transmissions conducted via the City computer system.

Employees have no reasonable expectation of privacy when it comes to the business and personal use of the City email system. All employee email messages (incoming, outgoing, and internal) can be monitored. The city reserves the right to monitor, inspect, copy, review, and store at any time and without notice any and all usage of the city's email system, and any and all files, information, software, and other content created, sent, received, downloaded, uploaded, accessed, or stored in connection with employee usage. The city reserves the right to disclose email text and images to regulators, the courts, law enforcement, and other third parties without the employee's consent.

Employees are prohibited from using the email system to engage in activities or transmit content that is harassing, discriminatory, menacing, threatening, obscene, defamatory or offensive. Therefore, it will be considered a policy violation to send, **receive**, solicit, print, copy or reply to text or images that contain these types of offensive, harassing or discriminatory material.

Confidential, proprietary, and personal information must be protected. Unless so authorized, employees are prohibited from using the email system to transmit confidential information to outside parties. Confidential information includes but is not limited to, credit card numbers, social security numbers, employee performance reviews, employee medical information, passwords, and information expressly exempted from the Nebraska public records law.

If an employee receives email containing inappropriate or offensive material the following procedure should be used:

- a. If you know the sender, contact them immediately and instruct the sender to stop sending this type of material.
- b. If you do not know the sender, block the sender. If the blocking is not effective, contact the Computer Network Technician.

Passwords are the property of the City. Employees are expected to share current passwords and user IDs when requested. Unauthorized sharing of passwords and user IDs will be a violation of policy.

Email messages should be treated as business documents and created with care. Since these documents are not in your control, once they are sent, they can reflect positively or negatively upon the employee and the City.

Organization wide email messages must be approved by the appropriate department head before being sent. Employees are prohibited from sending email blasts (mass mailings) to external parties without appropriate department head approval. Employees are prohibited from requesting email replies to organization-wide email or external email blasts without permission from the appropriate department head and the Computer Network Technician.

## **Sec. 7.82                    Internet Usage**

The City provides specified employees with a network connection and internet access. This internet usage policy governs all use of the city's network, regardless of where such use occurs.

The city network and internet access is intended for business use. Employees may access the internet for personal use only during breaks and non-working hours, and strictly in compliance with this policy.

All information created, transmitted, acquired, downloaded, or uploaded via the City network and internet system is the property of the city. Employees should have no expectation of privacy regarding this information. The city reserves the right to access, read, review, monitor, and copy all messages

and files on its computer system at any time and without notice. When deemed necessary, the city may disclose text or images to law enforcement agencies, regulatory bodies, courts and other third parties without the employees' consent.

Upon legal order, an employee shall share passwords used on city computer systems.

Alternate internet service provider connections to the city internal network are not permitted unless expressly authorized by the city and properly protected by a firewall or other appropriate security device(s).

Files downloaded from the web may not be viewed or opened until scanned with virus detection technology. Employees are reminded that information obtained from the web is not always reliable and should be verified for accuracy before it is used.

Employees are prohibited from misusing the city network or internet access for activities such as:

- a. Downloading software without the express authority of the appropriate department head.
- b. Operating a business, usurping business opportunities, soliciting money for personal gain, or searching for jobs outside the city organization structure.
- c. Making offensive or harassing statements and/or disparaging others based on race, color, religion, national origin, veteran status, ancestry, disability, age, or sex.
- d. Visiting websites featuring pornography, terrorism, espionage, theft, racially offensive material or drugs unless authorized by the respective department head as a part of specifically ordered duties.
- e. Gambling or engaging in unethical activities or content.
- f. Participating in activities, viewing, or writing content with the intent to purposely harm the city organizational structure or malign an individual employee.

Department heads and supervisors are responsible for ensuring employee compliance with this policy. Employees who learn of policy violations should notify the appropriate Department Head or the Human Resources Director. Employees who violate this policy or use the city network or internet system for improper purposes will be subject to discipline, up to and including termination.

## **Sec. 7.83                    Social Networking**

### **A. Generally**

The City of Columbus takes no position on an employee's decision to start or maintain a blog or to participate in other social networking activities. However, it is the right and duty of the city to protect itself from unauthorized disclosure of confidential information and information expressly exempted

from Nebraska's public records laws. The city's social networking policy includes rules and guidelines for city-authorized social networking and personal social networking and applies to employees, committee members and elected officials.

Blogging or other forms of social media or technology includes but is not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the city.

Unless specifically instructed, employees are not authorized and therefore are restricted from speaking on behalf of the city. Employees may not publicly discuss confidential information or information expressly exempted from Nebraska's public records laws outside of city-authorized communications. Employees are expected to protect privileged data. For example, employees, vendors or clients are prohibited from disclosing personal employee and nonemployee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to citizen financial information, legal process information, and personnel issues.

Employees are cautioned that they should have no expectation of privacy while using the internet. Postings can be reviewed by anyone, including city staff. The city reserves the right to monitor comments or discussions about the city, its employees, vendors and contractors posted on the internet by anyone, including employees and non-employees. The city may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forum, and social networking sites.

Employees are cautioned that they should have no expectation of privacy while using city equipment or facilities for any purpose, including authorized blogging. The city reserves the right to use content management tools to monitor, review or block content on city blogs that violate city blogging rules and guidelines.

#### B. Authorized Social Media on behalf of the City.

The following rules and guidelines apply to social networking and blogging when authorized by the city and completed on paid work time. The rules and guidelines apply to all employer-related blogs and social networking entries.

Only authorized employees can prepare and modify content for the City of Columbus website and/or the social networking entries located on the web. Content must be relevant, add value and meet at least one of the specific goals or purposes developed by the city. If uncertain about any information, material or conversation, discuss the content with the respective department head.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted by an authorized employee.

City departments are responsible for ensuring all blogging and social networking information complies with city policies and regulations. Department heads are authorized to remove any content that does not meet the rules and guidelines of this policy or that may be illegal or offensive. Removal of such content may be done without permission of the blogger or advance warning.

The city expects all guest bloggers to abide by all rules and guidelines of this policy. The city reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. The city also reserves the right to take legal action against guests or employees who engage in prohibited or unlawful conduct.

### C. Social Media—Personal/Non-City

The City respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear guideline to you as an individual and to you as the employee.

The city respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests, affiliations or other lawful purposes.

Bloggers and commenters are personally responsible for their commentary on blogs and social networking sites.

Employees are not to use city-owned equipment, including computers, company licensed software, or other electronic equipment, or productive work time to conduct personal blogging or social networking activities.

If an employee chooses to identify themselves as or is known to be a City of Columbus employee, then readers may view this employee as one who speaks for the City of Columbus. Therefore, it must then be stated that the views being expressed are personal and not those of the City of Columbus or of any person or organization affiliated or doing business with the City of Columbus.

Employees cannot post on personal blogs or other sites the name or logo of the City of Columbus or any organization with a connection to the City of Columbus. Nor may they post city documents or pictures which would lend the impression of official approval of these personal postings.

If contacted by the media about anything that relates to their employment or duties with the City, employees shall direct all such media inquiries to the respective department head.

### **Sec. 7.84                      Cell Phone/Electronic Devices**

While at work, employees are expected to exercise the same discretion in using personal cell phones and electronic devices as is expected for the use of city phones. Excessive texting and personal calls during the work day, regardless of the phone or device used, can interfere with employee and

department productivity and can be distracting to others. Employees are encouraged to text and make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of this policy.

Where workload needs demand immediate access to an employee, the city may issue a cell phone or other electronic device for work related communications or a fee arrangement may be made to have the employee carry their own cell phone on an agreed upon schedule. As requested, the employee may be asked to produce this cell phone or electronic device for immediate return or inspection.

All employees are expected to follow applicable state or federal laws or regulations regarding the use of cell phones or other electronic devices. Employees whose jobs responsibilities include regular or occasional driving as a part of the work day shall refrain from texting or using the keypad while driving. Safety must come before all other concerns. Bring the vehicle to a safe stop before texting or using the keypad of the cell phone or electronic device.

Where possible, hands-free equipment will be provided with city issued phones and other electronic devices to facilitate the provisions of this policy.

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**Sec. 7.85                      Offices and Locker Facilities.**

Offices and locker facilities are provided for designated employees as a place to keep personal items while on duty and to have supplies readily available to perform necessary tasks.

Employees should check with their supervisor for the availability of lockers. Where lockers are not available, your supervisor will point out areas approved for keeping personal items while on duty.

To guard against insects and rodents, please do not store food or other material which may mildew or spoil in lockers, desks, or file cabinets.

Since the above described facilities are public and not private property, they can be subject to a search at any time. Employee should therefore have no expectation of privacy concerning the material stored in/on this city property.

**Sec. 7.90                      Change of Status.**

All employees shall report changes of address, telephone number, name and similar information to their respective department head and on to the Human Resources Department, as these changes occur. Municipal emergencies can occur at anytime and this data can be crucial to efficient operations. At the time of the annual appraisal, employees are to correct their changes of status mentioned above as a part of the appraisal process.

**Sec. 7.95                      Tobacco Use.**

The City desires to encourage all employees to abandon the use of tobacco products while serving the public. Therefore, tobacco use **and Vaping Devices** is restricted from all City owned buildings and vehicles. Employees may use tobacco products outside of city owned buildings and vehicles while they are on approved breaks, meal times and before and after the work shift. Tobacco use areas outside of each City building will be designated by the appropriate department head. Violation of this policy can lead to disciplinary action.

## **Sec. 7.96 Drug and Alcohol Policy.**

The City has committed to the maintenance of a safe and productive work environment for its employees and to provide a drug free workplace. The City, therefore, has enacted the following Drug and Alcohol Policy.

### 1. Drug Policy Definitions:

- a) "Alcohol" - Any beverage that has an alcoholic content in excess of .5% by volume.
- b) "Drug" - Any substance, other than alcohol, capable of altering the user's judgment, perception, or mood, or of impairing the user's physical reactions.
- c) "Legal Drug" - Includes prescribed drugs and over-the-counter drugs which have been legally obtained, and are being used for the purpose for which they were prescribed or manufactured.
- d) "Illegal Drugs" means any drug which (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained. The term includes controlled substances including, but not limited to, marijuana, cocaine, PCP, LSD, heroin and other narcotics. The term also includes prescribed drugs, legally obtained, but not being used for prescribed purposes or prescribed drugs which were illegally obtained.
- e) "Reasonable Suspicion" means reasonable grounds to suspect that the employee is in possession of illegal drugs or alcohol, or that the employee is under the influence of or impaired by illegal drugs or alcohol. Reasonable suspicion is to be based upon specific observations concerning such things as appearance, behavior, or speech of the employee in question.
- f) "Under the Influence" means that the employee is affected by **an illegal** drug or alcohol or a combination of drugs and/or alcohol at any detectable level. The symptoms of influence may include, but are not limited to, impairment of physical or mental ability such as slurred speech, problems in maintaining balance, poor work performance, sudden mood swing, or radical change in behavior. A determination of influence may be established by a professional opinion or a scientifically accepted testing procedure.

### 2. Drug and Alcohol Policy Application

- a) The sale, purchase, transfer, distribution, manufacture, dispensation or unauthorized possession or consumption of alcohol on City property, or while performing City business is prohibited. This policy is not intended to preclude the consumption of alcohol at City-sponsored or authorized social functions, such as holiday parties, picnics, and the like.
- b) The manufacture, distribution, dispensation, sale, purchase, transfer, use, or possession of an illegal drug while performing City business, while on City premises or at a City job site is prohibited. Reporting to work or working under the influence of illegal drugs or alcohol is prohibited.
- c) It is the responsibility of the employee to notify their supervisor if they are under the influence of a drug. Except as provided below, the use or being under the influence of any legally obtained drug by any employee while performing City business or while on City property is prohibited to the extent such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the City. An employee may continue to work even though under the influence of a legal drug, if City management has determined, after consulting with a physician or pharmacist, that the employee does not pose a threat to his or her own safety or the safety of co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action, including assignment to another job position, as determined by City management.
- d) Any violation of these rules may result in discipline up to and including termination.
- e) This Drug and Alcohol Policy is applicable to employees of vendors and subcontractors as well. Violation of these rules or refusal to cooperate with implementation of this Policy by such persons may result in being barred from City property.
- f) Compliance with the City's Drug and Alcohol Policy is a condition of employment. All new regular employees will be required to submit to the scheduled "post offer" drug and alcohol test.

### 3. Searches

- a) The City reserves the right to conduct reasonable searches of employees and employees of vendors and subcontractors for illegal drugs or alcohol on City premises and job sites, including, but not limited to, vehicles, desks, bags and work areas.
- b) Illegal drugs or alcohol discovered in the course of a search will be confiscated until ownership is determined. Where warranted, confiscated items will be turned over to appropriate law enforcement authorities.

- c) Refusal to cooperate in a search may result in immediate suspension, pending investigation, and may result in further disciplinary action, up to and including termination. Refusal to surrender contraband may also result in discipline, up to and including termination.

#### 4. Testing of Current Employees

- a) Where the City has documented reasonable suspicion that an employee possesses or is under the influence of illegal drugs or alcohol, the employee may be required to take a urinalysis test. The employee may also be suspended without pay pending the receipt of test results and the completion of any investigation conducted by the City.
- b) The City may request or require current employees to undergo testing for drugs and/or alcohol without reasonable suspicion if the employee:
  - (1) has sustained a personal injury , even a minor injury where medical treatment was sought, or has been involved in an accident where another individual has sustained such a personal injury and accident; or
  - (2) has caused been involved in a work-related accident or exposure to bloodborne pathogens or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident where the accident results in property damage.

The Supervisor on duty at the time is responsible for contacting the Occupational Health Department to set up the testing and for transporting the employee to the Occupational Health Department for testing.

- c) Refusal of a request to take a urinalysis test may result in immediate suspension without pay pending investigation, and may also result in further disciplinary action, up to and including termination.
- d) If the initial test is positive, the laboratory will be instructed to retest the specimen for the substance indicated using a testing method approved by the Nebraska Department of Health before reporting a positive result to the City.
- e) A confirmed positive test will subject the employee to disciplinary action up to and including termination.
- f) In all cases of confirmed positive test results, employees will have the opportunity to explain the result, and to substantiate the explanation with medical evidence, which could include an additional confirmatory test of the same specimen.

#### 5. Additional Testing Procedures

- a) All employees who agree to take a urinalysis test will be required to sign a form consenting to the test and authorizing disclosure of the results to the City.
- b) Specimen collection and urinalysis will be performed only by a qualified independent testing laboratory or health care provider designated by the City.
- c) The City will pay the full cost of any testing that is requested of any employee, as well as any confirmatory test requested by the employee, including the reasonable cost of any transportation to and from the designated testing facility.

6. Confidentiality

- a) Information obtained on an individual as part of a drug and/or alcohol test is strictly confidential and will be disclosed to only those persons within the City having a legitimate need-to-know. Such information will not be released to any individual or organization outside the City, without written permission of the employee, except as required or allowed by law.
- b) Other information developed in investigating possible violations of this policy will be communicated to City personnel only on a need-to-know basis.

7. Rehabilitation

- a) Current employees testing positive will be suspended from work and, if termination is not undertaken, ~~will~~ will may be referred to a care unit/treatment facility. Refusal of treatment or failure to complete treatment will result in termination.
- b) Employees who undergo treatment will be retested within 45 to 60 days of the initial test. A positive test and confirmation at that time will result in termination of employment.
- c) Should the retest be negative, the employee will be allowed to return to work subject to periodic retesting during the ~~next twelve months~~ next twelve months duration of employment with the City. Any additional positive test and confirmation at any time will result in termination.
- d) This policy of encouraging rehabilitation is not to be interpreted as conflicting with the rule above prohibiting manufacture, distribution, dispensation, use, or possession of illegal drugs or alcohol on City premises or while performing City business. In addition, if the City deems the circumstances warrant termination, without first offering rehabilitation, it reserves the right to take such action.

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on City premises, work sites, in City vehicles, or in personal vehicles parked on City property. However, there may be an occasional event that allows the dispensing of alcohol at specific City buildings with City Council approval, ~~such as a special~~

~~fundraiser at the Library, or a specific room where alcohol can be dispensed with City Council approval such as the Club Room at the Fire Station.~~ In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the City's reputation in the community. Employees shall not use alcohol while on duty or within 8 hours of a regularly scheduled shift. Undercover officers are exempt when performing their assigned duties.

#### **Sec. 7.97                    Personal Finances of Employees.**

It is the policy of the City to require employees to meet and discharge their financial obligations in a timely manner.

1. Employees should manage their personal finances so they do not adversely impact job performance or the City's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City in terms of extra bookkeeping and the need to respond to and comply with court processes.
2. The City must disclose employee financial data as obligated under statutory requirements. Employees who become financially obligated to the City will be expected to enter into a written acknowledgement of the obligation at the time it is incurred. Such obligations could arise from pay or expense advances, breakage or shortages.
3. The Finance Department is authorized to receive a write of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Department is to notify the affected employee immediately, and then deduct the required amount from the employee's earning. The amount deducted, however, should not exceed that permitted by law.
4. No employee will be terminated because of the fact that their earnings have been subjected to garnishment for one indebtedness. ~~However, repeated garnishments for more than one indebtedness may result in discipline, up to and including termination, depending on the circumstances of the case and any restrictions under state law.~~
5. The City will not deny employment to, or terminate the employment of, any person solely because that person has filed a petition for bankruptcy.

#### **Sect. 7.98                    Zero Tolerance for Unlawful Harassment.**

The City is committed to offering employment opportunity based on ability and performance, in a productive climate, free of discrimination. Accordingly, harassment of any kind by supervisors or co-workers will not be tolerated. In addition, the City will protect employees, to the extent possible, from reported harassment by non-employees in the work place.

In general, ethnic or racial slurs, jokes and other verbal or physical conduct relating to a person's race, color, age, sex, national origin, religion, disability, marital status, ~~Vietnam era veteran status~~,

marital status, AIDS/HIV status, ~~or genetic information, or other class protected by applicable law unrelated to the ability to perform the job~~ ~~or disability~~ constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work environment.

Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or other physical and verbal conduct of a sexual nature by supervisors or others of the same or opposite sex in the work place. Sexual harassment exists when:

1. Supervisors or managers make submission to such conduct either an explicit or implicit term or condition of employment (including hiring, compensation, promotion, or retention); or
2. Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment-related decisions such as promotion, performance evaluation, pay adjustment, discipline, or work assignments.

Sexual harassment may also exist when co-workers (or non-employees, such as vendors, citizens) engage in such conduct, when the conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

If you believe that you are being harassed by another employee, supervisor or any other person in connection with your employment with the City, you should bring the incident to the attention of your supervisor. If that would prove to be uncomfortable or you are not satisfied with your supervisor's handling of the complaint, bring the matter to the attention of your department head, [the Human Resources Director and/or the City Administrator](#).

If you still are not satisfied with the handling or outcome of your complaint, or if you feel more comfortable bypassing the other steps, take the matter to the Human Resources Director. The City will promptly investigate all allegations of discrimination and/or harassment in as confidential a manner as possible and take appropriate corrective action if warranted.

Under no circumstances will a manager or supervisor be allowed to threaten or retaliate against an employee who alleges harassment.

## CHAPTER EIGHT

### SEPARATION AND REINSTATEMENT

#### **Sec. 8.10 Separation.**

All separations of employees from positions in the Classified Service shall be one of the following:

1. Reduction in force.
2. Death.
3. Dismissal.
4. Disability.
5. Retirement.
6. Resignation.

Any employee who is separated for any of the above reasons ~~can~~ will receive their final paycheck on the next regular payday following the effective date of their separation ~~unless other arrangements are made or by the end of the month of separation~~ separation. In the event of the death of an employee, the final payment will be issued as soon as the legal beneficiary or beneficiaries are determined. Prior to final payment of any money due, all records, assets, and other items of City property in the employee's custody shall be transferred to the department head and certification to this effect shall be executed.

Department heads shall secure from each employee who is issued City equipment, or who has possession of City records or keys to City equipment or buildings, the following release:

"In the event of my separation from City employment, I hereby authorize the City of Columbus to withhold my final paycheck until such time as I have returned to the City all equipment, keys, and records issued to me and owned by the City. In the event any such equipment is damaged, I also authorize the City to deduct from my final paycheck the cost of repairs of such equipment."

In the event an employee has signed such a release and fails to return all city equipment, keys, and records, their paycheck may be withheld as allowed by Nebraska law and the employee's signed acknowledgment.

#### **Sec. 8.20 Resignation.**

An employee may leave the City service in good standing by submitting their resignation at least two

weeks in advance of the effective date. Department heads must give four weeks notice to leave in good standing. The City Administrator, for good cause, may waive any portion of the notice period.

An employee resigning without the required notice may have the act recorded as a part of their personnel records. The Human Resources Director or the City Administrator shall endeavor to conduct an exit interview with each resigning regular full time or part time employee to determine the reasons for the resignation, to solicit suggestions for improving operations and personnel management, and to determine whether prohibited discrimination was a factor in the decision to resign.

**Sec. 8.30                      Reduction in Force Policy.**

It is the policy of the City of Columbus to avoid, insofar as possible, reductions in force which might unduly impact any of its employees. However, it is recognized that financial constraints or changes in service requirements may require such reductions in force.

Therefore, in order to ensure optimum notice to the City's employees in the event of a reduction in force, the following policy is hereby established for all regular employees in positions in the classified service:

1. An employee will be considered to be in the position to which he was most recently appointed, promoted or demoted.
2. Those employees in training in positions in which reductions are mandated will be the first to be removed. An employee in training due to promotion has the right to request to be reassigned to their previous position, if such position is available and currently a part of the classified service. An employee must notify the City Administrator of their desire to be considered for reassignment to their previous position as provided in paragraph 6.
3. An employee who has successfully fulfilled the training period for their position will only be removed from the classified service after any employees in training in the same position have been removed and after being considered for reassignment, if promptly requested in writing, to a previous position. Such employee may also make a prompt request, in writing, to be considered for reassignment to a position for which they are qualified and which position is being held by an employee in training or is vacant.
4. The decision as to who will be removed from the classified service shall be based on factors, including, but not limited to, the following:
  - a) The employment policies and staffing needs of the City, together with contracts, ordinances, and statutes related thereto.
  - b) The multiple job skills possessed and recently or currently being performed by the employee.
  - c) The knowledge, skills, and abilities of the employee.

- d) Efficiency of the employee as demonstrated on the job.
- e) The performance appraisals of the employee, including any recent, pending, or recurring disciplinary actions involving the employee.
- f) Required federal, state, or local certifications or licenses.
- g) Seniority.

These factors may be documented by employee evaluations, disciplinary actions, commendations, documented training, citizen reports, and other verifiable comments or data or a recommendation from the employee's department head.

5. An employee whose services are terminated under this Reduction in Force Policy will be entitled to two weeks written notice from the City. Such notice shall be delivered by the United States Postal Service, registered return receipt requested, to the employee's address on file with the Human Resources Department of the City, or personally served on such employee. If the employee is in a position subject to the Civil Service provisions of the State Statutes and City Ordinances, the City Administrator shall also give written notice to the Civil Service Commission by contacting the Secretary of the Commission.
6. An employee whose position has been eliminated or who is being replaced as the result of the reassignment of a regular employee whose position has been eliminated by such reduction in force in a classified position, may request to be considered for reassignment to a lesser classification. Such request shall be submitted in writing to the City Administrator within five working days of the notice of the elimination of the employee's position or the reassignment of such other employee. If such a request is made, the employee will be considered for such classification using the criteria provided in paragraph 4.

**Sec. 8.40 Ability to Perform Essential Duties.**

Employees who cannot perform the essential duties of their job, with or without reasonable accommodation, may be separated from employment. The City reserves the right to require medical examinations that are job-related and consistent with a business necessity.

**Sec. 8.50 Retirement.**

Whenever an employee meets the conditions set forth in the City's Pension Retirement Plan, the employee may elect to retire and receive all benefits of the plan.

**Sec. 8.60 Reinstatement.**

Eligibility for benefits such as vacation and service awards is figured from the hire date of continuous employment. It is recognized that due to personal or business reasons an employee may terminate

their employment with the City. As an incentive to encourage these employees to consider reemployment with the City rather than another organization, procedures have been created for recognizing the past service accumulated before separation.

Those employees with less than a two year break in service, who resigned in good standing, may be reinstated, provided the person is qualified to perform the duties of the position and such reinstatement would be in the best interest of the City.

The pay rate will be at the same step in the pay range at which the employee left unless they are returning to a different job ~~in a lower pay range or for a promotion in a lower pay range or for a promotion~~, in which case the Demotion or Promotion Policy would then apply. Benefit accumulation would resume according to the restored years of service; i.e., vacation rate. Those employees who were under the provisions of the 2006 reinstatement personnel policy, will retain their ability to the “five year” reinstatement provisions.

## CHAPTER NINE

### EXPENSE REIMBURSEMENT POLICIES AND REPORTING PROCEDURES

#### **Sec. 9.00 Expense Reimbursement Policies and Reporting Procedures.**

1. The City of Columbus shall reimburse actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers of the City at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the city limits, after attendance has been approved by the department head or City Administrator and is in the parameters of the Personnel Policy and the annual City budget. The reimbursement of expenditures shall be limited to:
  - a) Registration or tuition costs, fees, or charges.
  - b) Transportation as specified below.
  - c) Meals as specified in 9.30.
  - d) Lodging.

These expenses, ~~except for meals~~, will be reimbursable up to the federal per diem rates for the locality of travel. The per diem rates for the national and the state are available in both the Human Resources and Finance Departments.

Expense vouchers must be completed in order to be reimbursed.

2. Authorized expenditures shall not include any expenses incurred by spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the City of Columbus and the expenses for the spouse are also preapproved.

#### **Sec. 9.10 Lodging.**

Except as otherwise provided herein, all hotel and motel reservations shall be made on a single-room basis only. Suites or similar accommodations shall not be used. When making reservations and at the time of registering, commercial or government rates, if available, shall be requested.

#### **Sec. 9.20 Transportation.**

For air travel, reservations shall be for coach class. If possible, an attempt should be made to arrange a commercial flight on a ~~"super saver" or other~~ "super saver" or other discounted basis. The employee will not be reimbursed for more than the actual cost of the flight ticket. Any special discount coupon or voucher received in connection with municipal trips for which the fare was paid or reimbursed by the City of Columbus, shall be returned to the City of Columbus for use, as applicable, in reducing cost of future trips paid or reimbursed by the City of Columbus.

Automobile transportation shall be arranged, whenever possible, to use City-owned vehicles. Personal vehicles may be used on City business only when there is no City vehicle available for the trip or when the use of a personal vehicle is approved by the department head.

If an employee elects to drive their personal vehicle when a City vehicle is available, the City will not reimburse mileage

Mileage for the required use of personal vehicles will be reimbursed at the rate specified Federal rate, as it may be amended from time to time, computed by the most direct highway route or an amount equal to the cost of regular, not discounted, coach air fare, whichever is less.

Rental cars shall be utilized on business trips only when transportation fares (taxi, bus, etc.) in that locale are less economical or pose a serious inconvenience. There shall not be more than one rental car for each four individuals on the same business trip. At all times an attempt shall be made to lease compact cars rather than larger sedans.

**Sec. 9.30 Meal Expense.**

Daily meal expenses incurred by an employee, Mayor, or City Council member in the process of performing duties for the City of Columbus are reimbursable with the following documentations:

1. Dates.
2. Amounts spent.
3. Business reason.
4. Names of persons or firms represented.
5. Name of city where meals occurred.

Reimbursement for alcoholic beverages is not allowed.

Employees may be reimbursed for meals incurred for only that employee's single meals. The employee shall be provided payment for individual meals based on ~~the following schedule of Federal rates.~~ Federal per diem rates.

<del>Breakfast.....</del>	<del>—</del>	<del>\$ 7.00</del>
<del>Lunch.....</del>	<del>—</del>	<del>\$11.00</del>
<del>Dinner.....</del>	<del>—</del>	<del>\$23.00</del>
	<del>—————</del>	<del>\$41.00</del>

~~The above schedule shall apply within the State of Nebraska. These amounts are based upon the meal allowances per the Federal Travel Regulations.~~ The City Finance Director will announce future meal price adjustments ~~to this schedule~~ as Federal Travel Regulations change.

When traveling out of state overnight, reimbursement will be made for all reasonable meal expenses provided receipts are presented for all meals ~~that exceed the above schedule but are below the federal per diem rates.~~

For payment of the meal on overnight trips, the following guidelines apply:

1. In order to be reimbursed for breakfast, the claimant must leave Columbus before 7 a.m.
2. In order to be reimbursed for dinner, the claimant must return to Columbus after 6 p.m.

The above policy does not include meals which are served as part of the seminar, conference, or meetings.

Reimbursement will be made for meals which are a part of a seminar, conference, approved meeting; however, reimbursement will not be made in the event an employee elects to obtain a meal elsewhere when the meal is included in the registration fee for a meeting or seminar.

#### **Sec. 9.40 Expense Reports.**

Expense reports should be submitted at least monthly and be in compliance with the policies of the City of Columbus. Expenses shall be shown on the dates incurred. Each expense report shall be approved by a designated supervisor. Such approval shall be given by the supervisor after being satisfied the expense is City related, they are reasonable expenses, and the necessary documentation and supporting data are included. The Finance Department will audit to determine if the necessary documentation and supporting data are a part of the expense report and all information is correctly reported.

Expense reports without adequate documentation will not be paid in full. Only the expense report items with proper documentation will be paid. Items with insufficient support shall be deleted for payment later, after the needed documentation or written explanation is obtained. Correspondence regarding requests for additional documentation and all responses will be attached to the original expense report or resubmitted expense report.

#### **Sec. 9.50 Receipts.**

Receipts for expenses should be obtained to support a reimbursement request. Loss of a meal receipt or two will not endanger reimbursement. Receipts are required for the following items before expense reimbursement will be allowed:

1. All lodging expenses.
2. Rental cars (actual copy of rental agreement).
3. Registration fees at meetings or seminars.

#### 4. Meals.

A receipt shall be the actual paid receipt received when paying for an expense incurred, a copy of a credit card charge, a copy of a customer receipt given to the employee by a firm providing services or goods to such employee, or a copy of a canceled check drawn payable to a specific payee. If a receipt covers a combination of personal and business expenses, the business items must be clearly identified.

There are a few items that do not require receipts, such as tips associated with meals (no more than ~~15%~~ 18% of meal cost), taxi, limousine, local bus fares, parking expense in the course of a business trip, and telephone calls of a business nature when not placed via a City of Columbus telephone.

## CHAPTER TEN

### RISK MANAGEMENT

The City has appointed a Risk Manager and Risk Management Committee. They are responsible for the Risk Management Program as described in Resolution ~~R90-20-20~~Resolution N.O. R90-20. It is the intent of the City that this group of employees help the City make a good faith effort to maintain a safe working environment by establishing programs and policies which encourage safety in the work environment and to abide by applicable laws and regulations.

#### **Sec. 10.00 Risk Management Responsibilities.**

##### **Risk Manager**

The Risk Manager is responsible for the development, organization, coordination and implementation of safety programs and safety education. Responsibilities also include work-site inspections, hazard reduction and/or elimination and accident/injury investigation, reporting and management. Other assignments and responsibilities related to disaster response and risk management complete the role of the Risk Manager.

The Risk Manager will advise the City Administrator as well as department heads, supervisors and employees of unsafe conditions, problems related to accident prevention and recommendations for loss control. The Risk Manager will not fulfill obligations of department heads or supervisors relative to providing safe work environments, necessary equipment, training, or inspections in the interest of accident prevention.

##### **Department Head**

The department head is responsible for fulfillment of departmental goals and objectives as well as health and welfare of each employee in the department. In the adopted safety policy, the highest priority has been placed on employee safety which becomes the responsibility of the respective department head. It is normal practice for department heads to delegate the authority to carry out safety policy in their department, but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.

##### **Supervisors**

Supervisors will assume the responsibility of thoroughly instructing their personnel in the safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors will act positively to eliminate any potential hazards within the activities under their jurisdiction and they will set the example of good safety practice in all phases of their endeavors. The principal duties of supervisors in discharging responsibilities for safety are as follows:

1. Enforce all safety regulations in effect and make employees aware that violations of safety rules will not be tolerated.

2. Make sure all injuries are reported promptly and treated properly and all accidents or unusual incidents are reported (preferably on the same work day) even if injury is not apparent.
3. Conduct thorough investigations of all accidents or incidents and take necessary steps to prevent recurrence, if possible, through employee safety education, operating procedures, or modification of equipment, facilities, or environment.
4. Provide employees with adequate safety instructions regarding their duties prior to the employees actually starting to work.
5. Make sure regular safety checks, including a careful examination of all new and relocated equipment are accomplished before it is placed in operation.
6. Assure equipment is properly maintained and issue instruction for the elimination of fire and safety hazards.
7. Continuously inspect for unsafe practices and conditions and promptly undertake any necessary corrective actions.
8. Develop and administer an effective program of good housekeeping and maintain high standards of personal and operational cleanliness throughout all operations.
9. Provide safety equipment and protective devices for each job based on knowledge of applicable standards.
10. Conduct safety briefings at organizational meetings and encourage the use of employee safety suggestions.
11. Give full support to all safety procedures, activities, and programs.

### **Employee**

Each employee, as a part of the comprehensive City of Columbus Risk Management Program, is expected to place safe work practices and identification of unsafe conditions as the highest priority while performing daily tasks. Each employee's safety commitment must include, but is not limited to, the following:

1. Using the safety equipment which has been provided for use in performing daily work assignments.
2. Wearing the prescribed uniform and safety shoes as required.
3. Only operating equipment for which training or orientation has been received.
4. Warning co-workers of unsafe conditions or practices they are engaged in which could lead

to or cause an accident.

5. Reporting defective equipment immediately to their supervisor.
6. Reporting dangerous or unsafe conditions that exist in the work place as well as throughout the municipality. This would include defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken basins and sewers, missing or damaged traffic signs or signals.
7. The employee or if appropriate, the supervisor records all injuries, accidents or incidents immediately, completing the incident report, **preferably** on the same work day, regardless of severity. If due to severity of injury or illness the employee is unable to complete the form, ~~the employee should request their supervisor to help with the responsibility it is the supervisor's~~ **responsibility to complete the form.**
8. Record on an incident report form any unusual occurrences or incidents observed on the day they occur, as it may later pose a liability risk to the City, its workers, or the public.
9. Protection of unsafe conditions resulting from municipal work which could present a hazard to the public.
10. Taking care not to abuse tools and equipment so these items will be in usable condition for as long as possible, as well as to ensure that the tools and equipment are in the best possible operating condition while being used.
11. When required, the employee will maintain a commercial driver's license. The City will pay the amount of the license fee in excess of the cost of a normal driver's license fee.

#### **Sec. 10.04 Incident Reports.**

Incident Reports shall be filled out whenever a near injury, an accidental injury or exposure occurs including possible bloodborne pathogens. This report shall be sent to the City Clerks office as with all other incidents reports, normally within the same work day. These reports will be kept as a permanent part of the safety record.

#### **Sec. 10.05 The Cost of Accidents.**

Another area of major concern to supervisors is the cost of accidents. Many people fail to realize how much accidents really cost. Accidents are expensive in ways that are not obvious; therefore, attention to loss control can improve your department performance.

Accidents can cause obvious and direct costs, such as medical, hospital, rehabilitation expenses, worker's compensation payments, and higher insurance premiums or even loss of insurability. But there are other indirect costs that are less obvious, and usually uninsured. These include the various disruptions of normal work procedures, such as employees being witnesses or helping the injured, or even the reduction in production.

If the return on the investment is not sufficient, it may be necessary to defer the procurement of new equipment and facilities. Insurance covers only a portion of the total accident cost and as accident loss experience increases, so will a company's insurance premiums. It is clear that directly and indirectly, accidents reduce the funds available for salaries, employee benefits, new equipment, etc. Actually, the total cost of accidents is greater than many of us realize.

**Items in Indirect Cost:**

1. Time lost by others.
2. Cost of hiring and training a replacement.
3. Lost efficiency.
4. Overtime premium.
5. Cost to investigate the accident.
6. Report time.
7. Tools/equipment damage.
8. Lost equipment utilization.
9. Lost production time.

All of these reduce efficiency and represent another cost. There are many hidden costs due to accidents. Conversely there are hidden savings in accident prevention, which is the reason the phrase "Loss Control" is often used. Every accident you prevent saves direct-indirect accident costs and this money will remain in money available for wages and city services.

Other benefits of accident prevention efforts include:

1. People will not be injured or killed.
2. Property and materials will not be destroyed.
3. Production will flow more smoothly.
4. You will have more time for the other major parts of your job.

All employees will include "Loss Control" as a regular part of their job and expect to have this part of performance measured. Employees are expected to perform periodic safety inspections of the work areas for which they are responsible.

Safety and housekeeping inspections, and the problems you discover, are important but what you do about them is more important. If a problem can be rectified by your department, work to complete the appropriate task as soon as possible so the problem can be solved. Be sure to follow up, as needed, to see that the job is done. You may even find it necessary to have your supervisor help expedite the work by getting help from other departments. Completing an Incident Report provides a written record as a basis for determining the best way to solve hazards that are observed in your city department or another department.

## **Sec. 10.10                    Driving Rules and Regulations.**

All drivers of municipal vehicles, and those using their personal vehicles in pursuit of municipal business, will comply with all applicable laws of the state as well as any additional regulations of the municipality. Emergency vehicles under pressing emergency situations are exempted from the usual motor vehicle laws and rules but are required to exercise due caution and care in travel.

### **Parking**

1. Municipal vehicles are not to park in "NO PARKING" zones except in emergency situations or in required performance of official duties. At those times a vehicle is parked in a "NO PARKING" zone, emergency blinkers will be turned on.
2. All municipal vehicles should be locked when not in use at a remote location.
3. Before initial use of any vehicle each day, the driver will walk around and inspect the vehicle for damage, inoperable lights, loose hardware, underinflated tires, or any other condition which may create an unsafe situation.
4. Any deficiency encountered will be reported to their supervisor immediately. It will be the supervisor's responsibility to ensure that appropriate action is taken to correct the problem.

### **Equipment**

1. All employees will wear seat belts as required by state law.
2. Portable or detachable doors may not be removed from vehicles unless:
  - a) It is a necessity in order to perform the job.
  - b) Mirrors remain usable when the doors are off. Similarly, vehicle doors are not to be tied open.
3. Turn signals will be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of their intent.
4. Drivers will ensure windows, headlights, taillights, and windshield wipers are clean and operational at all times.

5. Tailgates will be up and locked when vehicles so equipped are in motion. If a vehicle's function requires that the tailgate remain in the open position, red flags will be attached to the materials being carried if they meet or exceed the length specified by State Law. (State Law requires flags on anything that extends over 4 feet from the taillight).
6. In any case, the driver of the vehicle is responsible to see that all necessary conditions are met on the vehicle before the driver operates it.
7. If the vehicle does not have a tailgate, but is loaded, the driver of the vehicle will ensure the load is secure on the truck and that overhangs are properly marked in accordance with applicable state and local laws.

### **Special Equipment**

1. Special equipment such as tractors, hi-lifts, high rangers, graders, plows, cranes, or any unit which has special devices added for specific types of work will require formal instruction prior to use by a driver. This special training will include the following:
  - a) Explanation and demonstration of all control devices.
  - b) Explanation and demonstration of all safety equipment.
  - c) Knowledge of maintenance items such as fuel, water, oil and other minimum operating needs of the unit.
  - d) Demonstration of operation.
  - e) New driver operation under supervision with testing.
  - f) Instruction in driving to and from, or on and off a trailer, parking procedures and method for securing.
2. Passengers will ride only in seats so designed for passengers on special equipment.
3. Triangular, orange-colored slow moving vehicle signs will be required to be displayed as per state law and, if sign is deployed, said vehicle will not exceed 25 mph.

### **General.**

1. Backing up vehicles without a clear view of the area back of the rear end will be done only with the assistance of a guide. If a second person is in the vehicle, that person will get out and guide the vehicle back using the appropriate hand signal and voice signal. If the driver is alone, the driver will get out of the vehicle and inspect the area behind the vehicle before backing. Again, strict caution is to be observed.

2. Riding on the sides, toolboxes, tailgates, or roof of any truck is prohibited. Further, standing in the back of any truck is not permitted. ~~except while picking up garbage within the City Parks.~~
3. Drivers will carry their state driver's license at all times. Loss of driving privileges may result in full-time drivers being temporarily reclassified **if a position is available** until such time as their driving privileges are reinstated or a temporary restricted permit is issued.
4. Employees who operate a City vehicle as a part of their job are required to report any suspension or revocation of their license to their supervisor who will in turn determine the future responsibilities of the employee. Failure of an employee to report a change in license status will result in disciplinary action.
5. Riding on running boards of trucks is strictly prohibited.
6. Except in authorized emergencies, posted speed limits will be strictly adhered.
7. Drivers should direct their full attention to driving. Inspections of streets, trees, signs, etc. may be made by a second person, other than the driver, wherever possible.
8. During periods of limited visibility, vehicle headlights will be turned on.
9. Trailers are to be fastened securely to hitches. Safety pins in pintle locks will be used. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.
10. All items to be transported either in a truck or trailer, which may move around during transport, will be secured.
11. No more than three (3) persons will ride in the front seat of any vehicle. Where only two single seats exist, there is to be only one rider per seat.

These rules may be updated periodically and may be amended as necessary.

#### **Sec. 10.15                    Procedures for Reporting Accidents and/or    Breakdowns of Municipal Vehicles.**

In the event an operator of a municipal vehicle is involved in an accident, the municipal Police Department should be called to the scene and required to prepare a report. If the accident should take place in another jurisdiction, the law enforcement agency of that jurisdiction should be called to the scene to make a report. The operator of the municipal vehicle involved in the accident should provide all the necessary identification and insurance information to the other party involved.

If a municipal vehicle is disabled as the result of an accident, or if a municipal vehicle breaks down and becomes inoperable, it shall be reported in accordance with department policy. When employees are covered by D.O.T. regulations, these federal policies should be obeyed, including steps for mandated drug testing.

Operators of municipal vehicles should be sure whenever a serious incident occurs, whether a breakdown, traffic accident, or vandalism, the responsible municipal department head should be immediately notified and an Accident Report be completed by the operator. Copies of all Accident Reports will be sent to the City Clerk's office, preferably during the same work shift.

**Sec. 10.20                    Safety Equipment.**

It is the municipality's intent to provide all necessary personal protective equipment required in performing routine operations. Protective equipment is provided to employees on an "as needed" basis. Each division sets protective equipment requirements depending on the activities of the jobs performed.

Requests for equipment not immediately available should be directed to the responsible supervisor. Failure to use available and required personal protective equipment is the employee's responsibility and ignoring this requirement can lead to the employee being subject to disciplinary action.

**Additional Safety Equipment**

Other protective equipment is provided in order to protect employees from unnecessary exposures. This includes barricades, cones, warning signs, warning lights, and many other specialty items. Consult with a supervisor or the Risk Manager for more information.

When working with power take-off shafts or chipping machines, no loose clothing should be worn. Reflective vests or cross straps are not required.

**Sec. 10.25                    Training.**

Each department has the responsibility of providing on-the-job training to each employee on the topics which will enable the employee to do their job safely and efficiently. This training shall include:

1.        Orientation of departmental and overall municipal safety and health rules.
2.        Procedure for reporting on-the-job injuries or unusual incidents.
3.        Procedures for processing hospital/medical bills related to job-related injuries.
4.        Worker's Compensation claims process.
5.        Requirements for use of vehicles.
6.        Reporting of unsafe conditions.

In addition, specialized training must be offered in the use of tools and equipment in order to maximize the capabilities of the equipment as well as to prolong its usable life and to prevent

accidents.

All employees are expected to request instructions in those tasks or for any equipment with which they are not familiar.

**Sec. 10.30            Hard Hats.**

Hard hats will be worn by municipal personnel when involved in the following situations:

1.     Present, for any reason, on construction sites where hard hat signs are posted.
2.     In locations damaged by disaster, fire, flood or other cause which could result in structural damage or falling material.
3.     Persons working near high-voltage electrical hazards.
4.     All supervisors involved in the above-types of work.

**Sec. 10.35            Operations in the Public Way.**

Whenever operations are taking place in streets, parkways, sidewalks, or other places where citizens, as well as employees, may be endangered, the supervisor or crew leader on the work site is as responsible for the safety of the public in this type of operation as for getting the job done. The supervisor must spend ample time before, during, and after the work to protect employees and the public from the hazards created by this work. The following procedures are to be followed:

1.     If street construction or repair work is to be done, preparations will be made to assure vehicle and pedestrian safety before such work is allowed to begin.
2.     If traffic is affected by the operation, proper signing must be used to warn in advance of the work area. Traffic control signs, in and around the affected area, are to be correctly placed and maintained through the period when work is being performed and traffic obstructions exist.
3.     Where barricades and signs are used overnight, supervisors will examine the work area for proper placement at the end of the workday.
4.     Lighted barricades will be used whenever possible for overnight protection.
5.     Where traffic must be periodically stopped or obstructed by workers or equipment in the traveled portion of a roadway, protective cones will be stationed.
6.     All City employees in or near the roadway will wear regulation safety green clothing, vests, or cross straps on their clothing while at the work site.
7.     If a construction site is barricaded where no traffic can pass into the work area, vests need not

be worn.

8. Flagmen will be used to slow or direct traffic where the approach to the work area does not provide adequate visibility to drivers.
9. In any case where streets are significantly obstructed or closed for any period of time, the Police Department and Fire Department will be notified of the situation and told approximately how long the closure will be in effect. Police and Fire operations may vary significantly due to the nature of the services they provide.

### **Pedestrian Safety**

1. If pedestrian traffic is impeded by official municipal barricades, then restrictive tape, rope, or other restraint will be used to keep the public from the work site.
2. If pedestrian traffic must be routed off sidewalks and into the street, then protection will be provided by cones, barricades, and signs to guard from vehicular traffic.
3. Holes in the sidewalk or parkway which must be left open will be covered whenever possible along with perimeter protection. Every possible means of preventing accidental entry into the hole should be used. Keep in mind that darkness and snow can complicate this situation.
4. Where an unusual situation exists which cannot be easily resolved, or when personal injury or damage to equipment or property occurs as a result of operations, contact the responsible supervisor and the Risk Manager immediately.

### **Sec. 10.40 Office Safety.**

Office work is more dangerous than is commonly supposed and many accidents occur during ordinary office routine.

1. Every employee shall be responsible to see that their own desk and work area is clean and orderly. Pick up items such as pencils or paper clips that are strewn around. Good housekeeping is the key to a safe office environment.
2. Keep an eye open for loose or threadbare floor coverings.
3. Be extra cautious when you come up to a door that can be opened in your direction. Take it easy when pushing open such a door and slow down when coming to a "blind" corner.
4. Haste when walking between desks can result in bruises and falls. Keep electrical cords out of aisles.
5. All file, desk, and table drawers shall be kept closed when not in use. As soon as you leave them, close them. Never open more than one file drawer at a time.

6. Overloading the top drawer of unsecured file cabinets has caused many an injury. If unfamiliar with file cabinets, test the drawers and be careful not to pull them out to full extension. There may be no locking device on inexpensive or older models.
7. Office tables, desks, and chairs must be maintained in good condition and free from sharp corners, projecting edges, wobbly legs, etc.
8. Tilting chairs can be hazardous when improperly used. Care should be taken to assure that they are in good working condition.
9. Never use chairs, desks, or other office furniture as a makeshift ladder. Always use a stepladder. Don't overreach and lose your balance.
10. Message spindles can all too frequently cause puncture wounds to hands and arms. When used, the point shall be protected by a suitable blunt cover or, preferably, the point should be bent to a horizontal angle.
11. Keep the blades of paper cutters closed when not in use.
12. Scissors, paper cutters, and similar office devices can easily cause minor, but painful injuries. Report such injuries at once and take precautions to avoid infection.
13. Keep your hands clear of electric typewriter carriages.
14. Paper cuts hurt. Use a sponge or wetting devices for envelopes. Use rubber finger guards when working with stacks of paper.
15. Keep paper clips, thumb tacks, and pins in a place where they can't injure you. Keep razor blades and "exacto" blades covered; even a little scratch can get infected.
16. Be sure all electrical equipment is grounded and the cord is in good condition. If a machine gives you a shock or starts smoking, unplug it and report the defective device immediately to the supervisor.

#### **Sec. 10.45            Ladders and Scaffolding.**

Mishaps involving electricity and falls from high places result in the two most critical types of injuries involving ladders and scaffolding. Other hazards include: splinters, slivers, and slips which can cause sprains, strains, bruises, and abrasions.

The following safety procedures will prevent accidents and possible injury:

#### **Ladders**

1. Metal ladders shall not be used in the vicinity of electrical circuits.
2. Periodically inspect wooden ladders. They shrink over a period of time. In a stepladder, this may cause steps or back bar members to become loose. Hold the rods beneath the steps with pliers and tighten the nut at the end with a wrench to maintain strength and keep the ladder steady.
3. Wooden ladders or scaffold planks should not be painted because defects may be covered up. Use a good grade of spar varnish or a mixture of linseed oil and turpentine to preserve the wood.
4. Nonskid feet should be used on all straight and extension ladders.
5. When properly placed, the feet of the ladder should be about one-fourth as long as the vertical (i.e., if the ladder is leaned against a wall eight feet high, the feet should be set two feet from the wall.)
6. When using a straight ladder, it should be long enough to extend at least three rungs above the level to which the user is climbing. Step ladders must not be used in lieu of straight ladders. They are not designed for this purpose.
7. If the feet of a straight ladder are to rest on an unsecured surface, secure the ladder in position by the use of hooks, ropes, spikes, cleats or other anti-slip devices or by stationing an employee at the base of the ladder to hold it in position during use.
8. Never stand on the top step of a step ladder.
9. Only one person shall be on a ladder at a time.
10. Never carry articles in hand while climbing. Use a hand line to raise and lower tools and materials or suspend them suitably in a tool belt.
11. Always face a ladder when ascending or descending and always use both hands.
12. Clean muddy or slippery shoes before beginning to climb the ladder.
13. Keep the rungs clean and free of grease, oil, and caked-on dirt.
14. If it is necessary to place a ladder near a door or where there is potential foot traffic, set up warning signals or take other precautions to prevent accidental contact which might upset the ladder.

## **Scaffolding**

1. Proper supervision is required to erect scaffolding.
2. Planks and other material used in building scaffolding must be sound and free from knots. Keep planks in good condition. Never paint the planks.
3. Planking should be adequately cleated; scaffolding used for work over 10 feet off the ground should have toe boards, mid-rails and handrails.
4. Tools left on top of the scaffolding can easily fall to the ground and injure a passerby. Keep tools in a bucket or box lashed to the scaffolding.

#### **Sec. 10.50 Use of Head Sets or Earbuds.**

As a general policy, the employee use of personal headsets or earbuds, while operating machinery will not be permitted. Hearing protection devices will be provided as needed.

#### **Sec. 10.55 Working in Cold and Hot Weather.**

This should serve as a guideline for assessing whether or not non-vital services should continue to be performed during periods of extremely cold or hot weather. While this information may not be relevant to all municipal departments, the data provides good personal information and should be shared with employees for their use.

Wind chill factors were developed by the military to determine the effects of combining wind and temperature as they affect exposed skin surfaces. Wind chill effect does not cause liquids to freeze when the air temperature is above the freezing point. However, when the air temperature is below freezing, wind effect will speed up the freezing process.

The National Weather Service has devised the "Heat Index", which is an accurate measure of how hot it really feels when relative humidity is added to the actual air temperature. ~~A Wind Chill index and Heat Index chart are inserted in the back of the personnel manual.~~

There are going to be situations where no condition of weather will force work to be stopped. These situations include police and fire service, sanitation services, and emergency responses by any personnel to situations which arise as a result of this severe weather. Bear in mind, however, that nonessential services within emergency response departments should be considered for curtailment during extreme temperature or wind chill periods. The procedure for evaluation of particular jobs will be as follows:

1. Assess the necessity of performing the particular task at the time.
2. Assuming the task must be done, determine if the employees are properly dressed and protected from the elements.
3. Determine what method the employee will have available to get warm or cool periodically while the task is being performed.

4. Consult a Wind Chill Chart and determine the wind chill equivalent. If the chill factor is in the "Danger" zone, special clothing is required and protection from the effects of the chill must be considered and used. Likewise, check with the National Weather Service to determine the heat index.
5. If the chill factor is in the "Great Danger" zone, or the heat index is at an extremely "High" level, only life and health safety tasks will be considered.
6. In the "Danger" zone, certain tasks may be impossible due to wind or temperature alone. However, the general policy for non-life safety tasks will be that cold weather considerations will be implemented anytime the reported wind chill falls below -25 degrees or the heat index is above 130 degrees.
7. Individual municipal departments may establish separate conditions, based on wind chill or heat index factors as they affect specific tasks.
8. Any questions or circumstances that arise regarding this policy should be directed to the Risk Manager.

#### **Sec. 10.60 Hazardous Communications Policy.**

The City of Columbus wants employees to be able to work safely and effectively on their jobs.

As a part of this goal, the City wants employees in each department to know the chemical products in their department and how to best work with these chemicals. Each department should assemble an information file on those chemicals used, and especially those chemicals that might be designated as hazardous. Each department should also make sure the chemicals in their department remain properly labeled.

These records will be reviewed at least annually by our insurance company Loss Control Specialist and/or a Risk Management team member and then reported annually at the first Risk Management meeting of the year.

Whenever employees are using a chemical agent for the first time, they should review their proposed handling of the product with their supervisor to assure proper procedures will be followed.

As new chemicals are added to a department's inventory, the department should obtain information (~~Material~~ Safety Data Sheets) from its supplier and make sure the new product has complete labeling on each storage container. If the ~~MSDS~~ SDS sheet requires protective equipment for safe handling, each department is to have the necessary equipment available.

Should an accident or unusual reaction occur with a department chemical, report it to your supervisor and complete an Accident/Incident Report.

A supplementary publication, "**Hazards in the Workplace: YOUR RIGHT TO KNOW**" booklet,

is available in each department to help employees learn how labels and **M**SDS information can help them to work with knowledge and sensitivity.

### **Sec. 10.65 Bloodborne Pathogen Policy.**

The purpose of the Bloodborne Pathogen Policy is to limit occupational exposure to blood and other potentially infectious materials. This policy will provide a review on infection control. It is the City's intent, as far as is possible, and within the scope of current knowledge, to protect all concerned parties from accidental exposure to the viruses that cause Hepatitis B, Acquired Immune Deficiency Syndrome (AIDS) and other blood communicable diseases.

#### **Infectious Materials**

1. Blood products (plasma).
2. Vaginal secretions.
3. Fluids surrounding the spine, brain, heart, lungs, abdomen and joints.
4. Amniotic fluid.
5. Semen.
6. Any other body fluid containing visible blood.
7. Body tissue.

Hepatitis B virus attacks the liver and is the major infectious bloodborne hazard faced on the job.

HIV attacks the immune system, making the body less able to fight off infections, causing the disease known as AIDS.

#### **Universal Barrier Precautions**

These devices and procedures should be used by anyone coming in contact with blood or bodily fluids, whether it be direct contact, splashing, clothing exposure, or working with medical instruments.

1. Waterproof gloves should be worn when handling items soiled with blood, body fluids, tissues or equipment contaminated with blood or other body fluids.
2. Waterproof gowns or plastic aprons shall be worn when performing procedures that may bring contact with body fluids.
3. Hands shall be washed thoroughly and immediately if they accidentally become contaminated with blood or potentially infective body fluids. Hands should be washed even when gloves

have been used.

4. Masks and/or protective eyewear should be worn if aerosolization or splattering is likely.
5. Contaminated materials should be double bagged and marked as containing biohazardous material and then transported to the Fire Department for disposal

### **Clean Up**

When an area is possibly contaminated by blood or body fluid containing blood such as emesis, care should be taken to sop up the liquid with paper toweling (using universal precautions). The area should then be cleaned with a disinfectant such as clorox (one part clorox to ten parts water). Secondary cleaning may then be conducted as needed. Double bag and tag all such sopped materials.

### **Hepatitis Vaccination**

For employees who are expected to come in contact with blood and body fluids containing blood, as a part of their job duties, vaccinations for Hepatitis B may be required at City expense. The determination of which employees fit this category is decided on a department by department basis.

### **Workplace Infections**

People infected with a bloodborne pathogen like AIDS or Hepatitis can sometimes appear to be in good health. Therefore it is better to assume blood or blood-contained body fluids are infected than to act carelessly.

Fortunately, AIDS and Hepatitis B aren't spread through the air like cold or flu germs. You won't get either disease from working alongside someone who is infected or from casual contact.

You can become infected at work by:

1. Accidentally cutting yourself with a sharp object that is contaminated with infected blood or body fluids.
2. Getting infected blood or body fluids on your skin, especially if your skin has open sores, nicks or cuts.
3. Getting contaminated blood or body fluids in the mucous membranes of your eyes, nose or mouth.

Normally, your skin acts as a protective barrier to keep viruses out. But even tiny breaks or cracks in the skin from common conditions like dermatitis, acne, chapping and broken cuticles can be doorways for these bloodborne viruses to enter your body. More restrictive or less restrictive guidelines may be adopted within specific departments to accommodate unique work situations.

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